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JAMES A. ROSE,


Secretary of State and ex-officio State Librarian.

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No. 18.

FINAL

HOUSE · SYNOPSIS

47th General Assembly

List of House Bills,

SHOWING

When and By Whom Introduced,

House Rules, Committees, Etc.,

AND

Senate Bills in the House

Action of Governor

On Bills Laid Before Him.

Issued by B. H. McCann, Clerk of the House.

JUNE 12, 1911.



SPRINGFIELD, ILL.

ILLINOIS STATE JOURNAL CO., STATE PRINTERS

1911

OFFICERS OF THE HOUSE.

FORTY-SEVENTH GENERAL ASSEMBLY.

Speaker—Charles Adkins.

Clerk—B. H. McCann.

First Assistant Clerk—J. H. Hill.

Second Assistant Clerk—E. M. Gullick.

Third Assistant Clerk—Bailey D. Dawson.

Doorkeeper—Carl S. Burgett.

First Assistant Doorkeeper—William Haines.

Second Assistant Doorkeeper—Capt. H. P. Hart.

Third Assistant Doorkeeper—Jesse Hawkins.

Postmistress—Millie Jackson.

Assistant Postmistress—Henrietta Vest.

Enrolling and Engrossing Clerk—Charles W. Baldwin.

First Assistant Enrolling and Engrossing Clerk—James Devereaux.

Second Assistant Enrolling and Engrossing Clerk—William S. Smith.

LIST OF REPRESENTATIVES.

THE FORTY-SEVENTH GENERAL ASSEMBLY ARRANGED ALPHABETICALLY.

Repubilicans, 82. Democrats, 68. Prohibition, 1. Independent, 2.

DIST.	NAME.
33	Abbey, Frank E., Rep.
35	Abbott, Alfred N., Rep.
24	Adkins, Charles, Rep.
41	Alexander, James H., Rep.
14	Alschuler, George W., Dem.
8	Anderson, Jos. E., Pro.
6	Anderson, W. E., Rep.
5	ApMadoc, Wm. Tudor, Rep.
10	Atwood, John A., Rep.
47	Bardill, J. G., Rep.
51	Barker, Elwood, Rep.
45	Bell, James M., Dem.
19	Blaha, Jos. C., Rep.
36	Bolin, Charles E., Dem.
39	Browne, Lee O'Neil, Dem.
*25	Burke, Frank C., Dem.
29	Burns, Jas. F., Rep.
18	Butts, Lucas I., Rep.
33	Campbell, Thos., Rep.
38	Canaday, Stephen D., Dem.
24	Carter, Jos., Rep.
31	Catlin, Franklin S., Rep.
42	Chiperfield, B. M., Rep.
11	Church, Chester W., Rep.
10	Coleman, John, Dem.
10	Collier, Alexander, Rep.
27	Collins, Robert J., Dem.
29	Conlon, Bernard J., Dem.
22	Coolley, I. N., Rep.
18	Covey, Ira J., Rep.
20	Crangle, Frank M., Dem.
15	Curran, Thos., Rep.
38	Daley, Louis P., Dem.
22	Dennis, Adnrew B., Dem.
47	Dickman, Wm., Dem.
12	Dillon, Martin J., Dem.
26	Donahue, D. D., Dem.
§25	Donoghue, Thomas, Dem.
20	Dudgeon, Israel, Rep.
13	Dunne, Timothy, Dem.
51	English, Geo. W., Dem.
21	Erickson, F. E., Rep.
44	Etherton, Jas. M., Dem.
16	Fahy, Michael, Dem.
48	Finley, Wm. E., Dem.

DIST.	NAME.
47	Flagg, Norman G., Rep.
49	Flannigen, John L., Rep.
30	Foster, A. M., Dem.
17	Galligan, Peter F., Dem.
5	Gilbert, Hiram T., Dem.
18	Gorman, Thos. N., Dem.
1	Green, Edward, Rep.
1	Griffin, John, Dem.
30	Groves, W. M., Dem.
6	Hagan, Richard P., Rep.
20	Hamilton, Geo. H., Rep.
40	Harp, Wm. H., Dem.
50	Hill, Robt. P., Dem.
4	Hilton, Geo. C., Dem.
36	Hoffman, Wm. H., Dem.
22	Holaday, Wm. P., Rep.
34	Hollenbeck, Wm. T., Rep.
4	Hrubece, John, Rep.
15	Hruby, John O., Jr., Dem.
5	Hull, Morton D., Rep.
32	Huston, John, Dem.
25	Hutzler, Lewis, Rep.
16	Ireland, H. T., Rep.
42	Jones, Robert S., Rep.
1	Judah, Noble B., Rep.
49	Karch, Chas. A., Dem.
41	Kelly, Bernard L., Dem.
16	Kerrick, Josiah, Rep.
4	Kilens, Hubert, Dem.
43	King, Edw. J., Rep.
23	Kinsella, Jos. P., Rep.
50	Kirkpatrick, R. D., Rep.
13	Kleeman, Benton F., Rep.
42	Koch, Fred E., Dem.
28	Leavitt, T. N., Rep.
39	Lewis, W. A., Rep.
45	Lyon, Thos. E., Rep.
2	McConnell, Geo. L., Dem.
37	McGuire, Wm. J., Dem.
19	McLaughlin, John J., Dem.
2	McNichols, Frank J., Rep.
25	McParland, Chas., Dem.
2	Marcy, Roger J., Rep.
32	Martin, I. M., Rep.
51	Mathis, John P., Rep.

*Deceased. §Vice Burke, deceased.

List of Representatives—Concluded.

DIST.	NAME.	DIST.	NAME.
49	Miller, A. A., Rep.	14	Shepherd, Frank W., Rep.
34	Miller, D. B., Rep.	8	Shurtleff, Edward D., Rep.
23	Miller, G. A., Rep.	38	Simpson, S. Elmer, Rep.
21	Mitchell, Benj. M., Dem.	17	Smejkal, Edward J., Rep.
26	Montelius, John A., Rep.	35	Smiley, Burr B., Indep.
37	Moore, John Robert, Rep.	19	Smith, F. G., Indep.
45	Morris, James F., Dem.	15	Smith, Peter F., Dem.
9	Murphy, Edw. J., Dem.	24	Stedman, W. E., Dem.
7	O'Rourke, J. J., Dem.	44	Stevenson, Wm., Rep.
3	Ostrom, Wm., Rep.	9	Stoklasa, Rudolph, Dem.
11	O'Toole, Jas. J., Dem.	23	Strauss, Jos., Dem.
28	Perkins, Edwin C., Rep.	27	Sullivan, Daniel J., Dem.
37	Pervier, Clayton C., Rep.	29	Sullivan, Patrick J., Dem.
46	Piercy, W. Duff, Dem.	13	Swanson, John A., Rep.
7	Pierson, Louis, Rep.	32	Terrill, Henry, Rep.
27	Pitlock, Jos., Dem.	12	Thompson, R. R., Dem.
34	Poorman, Edward F., Dem.	30	Tice, Homer J., Rep.
41	Prendergast, Richard, Rep.	35	Tourt, Albert T., Rep.
40	Provine, Walter M., Rep.	17	Trimarco, Tony, Dem.
46	Rapp, John M., Dem.	28	Tucker, C. J., Dem.
12	Rawleigh, W. T., Rep.	8	Vickers, James H., Rep.
14	Reid, Frank R., Rep.	3	Wall, Patrick J., Dem.
43	Rice, M. P., Dem.	3	Walsh, John P., Dem.
40	Richardson, John C., Dem.	48	Watson, James A., Rep.
42	Rinehart, Walter E., Dem.	46	Welborn, George B., Rep.
7	Roos, Frederick B., Rep.	31	Werdell, John C., Dem.
11	Ryan, Frank J., Dem.	33	Wheelan, Henry L., Dem.
21	Ryberg, Chas. J., Rep.	50	Whiteaker, Hall, Rep.
39	Scanlan, W. M., Rep.	36	Wilson, G. H., Rep.
48	Scott, Chas. L., Dem.	6	Wilson, Robt. L., Dem.
9	Shanahan, David E., Rep.	44	Winthrop, Dempsey, Rep.
31	Shaver, Harry L., Rep.	26	Wright, W. H., Rep.

SPRINGFIELD ADDRESSES.

REPRESENTATIVES AND OFFICERS FORTY-SEVENTH GENERAL ASSEMBLY.

Name.	Residence.	Tel. No.
Abbey, Frank E.	St. Nicholas	3226
Abbott, A. N.	302 W. Monroe St.	2612
Adkins, Charles	Illinois	3232
Alexander, Jas. H.	619 S. Seventh St.	2021-2
Alschuler, Geo. W.	St. Nicholas	3226
Anderson, Jos. E.	Illinois	3232
Anderson, W. E.	Illinois	3232
ApMadoc, Wm. Tudor	520 S. Fifth St.	4112-2
Atwood, Jno. A.	St. Nicholas	3226
Bardill, J. G.	Illinois	3232
Barker, Elwood	Normandy	956
Bell, James M.	Rochester, Ill.	Bell 9, F. S.
Blaha, Jos. C.	Silas	3215
Bolin, Chas. E.	Illinois	3232
Browne, Lee O'Neil	St. Nicholas	3226
*Burke, F. C.	St. Nicholas	3226
Burns, J. F.	Illinois	3232
Butts, Lucas I.	St. Nicholas	3226
Campbell, Thos.	936 W. Washington St.	
Canaday, Stephen D.	St. Nicholas	3226
Carter, Jos.	108 E. Charles St.	1643
Catlin, Franklin S.	720 E. Capitol Ave.	1984
Chiperfield, B. M.	833 S. Fourth St.	162
Church, Chester W.	St. Nicholas	3226
Coleman, John	St. Nicholas	3226
Collier, Alexander	St. Nicholas	3226
Collins, Robt. J.	St. Nicholas	3226
Conlon, Bernard J.	St. Nicholas	3226
Coolley, I. N.	710 S. Second St.	5310
Covey, Ira J.	St. Nicholas	3226
Crangle, Frank M.	St. Nicholas	3226
Curran, Thos.	224½ S. Fourth St.	4959
Daley, Louis P.	St. Nicholas	3226
Dennis, Andrew B.	St. Nicholas	3226
Dickman, Wm.	St. Nicholas	3226
Dillon, Martin J.	St. Nicholas	3226
Donahue, D. D. ....	.....
§Donoghue, Thomas	St. Nicholas	3226
Dudgeon, Israel	St. Nicholas	3226
Dunne, Timothy .....	.....
English, Geo. W.	St. Nicholas	3226

*Deceased. §Vice Burke, deceased.

Springfield Addresses of Representatives—Continued.

Name.	Residence.	Tel. No.
Erickson, F. E.	St. Nicholas	3226
Etherton, Jas. M.	Silas	3215
Fahy, Michael	Illinois	3232
Finley, Wm. E.	St. Nicholas	3226
Flagg, Norman G.	1009 N. Seventh St.	1919
Flannigen, J. L.	St. Nicholas	3226
Foster, A. M.	St. Nicholas	3226
Galligan, Peter F.	St. Nicholas	3226
Gilbert, Hiram T.	St. Nicholas	3226
Gorman, Thos. N.	Illinois	3232
Green, Edward D.	826 S. Third St.	
Griffin, Jno.	St. Nicholas	3226
Groves, W. M.	109 W. Monroe St.	895
Hagan, Richard P.	709 S. Fifth St.	5228
Hamilton, Geo. H.	St. Nicholas	3226
Harp, Wm. H.	122 E. Washington St.	
Hill, Robert P.	St. Nicholas	3226
Hilton, Geo. C.	Gadert's (315 E. Washington St.) ..	3266
Hoffman, Wm. H.	Illinois	3232
Holaday, Wm. P.	Illinois	3232
Hollenbeck, Wm. T.	Illinois	3232
Hrubec, John	Gadert's (315 E. Washington St.) ..	3266
Hruby, John O., Jr.	St. Nicholas	3226
Hull, Morton D.	211 E. Capitol Ave.	5307
Huston, John	St. Nicholas	3226
Hutzler, Lewis	Illinois	3232
Ireland, H. T.	Illinois	3232
Jones, Robert S.	St. Nicholas	3226
Judah, Noble B.	St. Nicholas	3226
Karch, Chas. A.	St. Nicholas	3226
Kelly, Bernard L.	St. Nicholas	3226
Kerrick, Josiah	Illinois	3232
Kilens, Hubert	Silas	3215
King, Edward J.	St. Nicholas	3226
Kinsella, Jos. P.	St. Nicholas	3226
Kirkpatrick, R. D.	St. Nicholas	3226
Kleeman, Benton F.	St. Nicholas	3226
Koch, Fred E.	St. Nicholas	3226
Leavitt, T. N.	Silas	3215
Lewis, W. R.	Illinois	3232
Lyon, Thos. E.	856 S. English Ave.	2112-2
McConnell, Geo. E.	St. Nicholas	3226
McGuire, Wm. J.	St. Nicholas	3226
McLaughlin, John J.	St. Nicholas	3226
McNichols, Frank J.	St. Nicholas	3226
McParland, Chas.	St. Nicholas	3226
Marcy, Roger J.	St. Nicholas	3226
Martin, I. M.	Southern	2057
Mathis, John P.	403 W. Monroe St.	
Miller, A. A.	Illinois	3232
Miller, D. B.	Illinois	3232
Miller, Geo. A.	105 E. Monroe St.	2054
Mitchell, Benj. M.	St. Nicholas	3226
Montelius, John A.	St. Nicholas	3226
Moore, John Robert	St. Nicholas	3226
Morris, Jas. F.	824 Cleveland Ave.	1805
Murphy, Edw. J.	St. Nicholas	3226
O'Rourke, J. J.	Illinois	3232

Springfield Addresses of Representatives—Concluded.

Name.	Residence.	Tel. No.
Ostrom, Wm.	Gadert's (315 E. Washington St.)	3266
O'Toole, Jas. J.	St. Nicholas	3226
Perkins, Edward C.	St. Nicholas	3226
Pervier, Clayton C.	302 W. Monroe St.	2612
Piercy, W. Duff	St. Nicholas	3226
Pierson, Louis	105 E. Monroe St.	2054
Pitlock, Jos.	St. Nicholas	3226
Poorman, Edward F.	Silas	3215
Prendergast, Richard	St. Nicholas	3226
Provine, Walter M.	St. Nicholas	3226
Rapp, John M.	St. Nicholas	3226
Rawleigh, W. P.	Illinois	3232
Reid, Frank R.	St. Nicholas	3226
Rice, M. P.	Silas	3215
Richardson, Jno. C.	Edinburg, Ill.	
Rinehart, Walter E.	229 W. Jackson St.	1884
Roos, F. B.	105 E. Monroe St.	2054
Ryan, Frank J.	St. Nicholas	3226
Ryberg, Chas. J.	Illinois	3232
Scanlan, Wm. M.	St. Nicholas	3226
Scott, Chas. L.	St. Nicholas	3226
Shanahan, David E.	523 S. Spring St.	1389
Shaver, Harry L.	432 S. Fifth St.	3622
Shepherd, Frank W.	St. Nicholas	3226
Shurtleff, Edward D.	St. Nicholas	3226
Simpson, S. Elmer	St. Nicholas	3226
Smejkal, Edward J.	St. Nicholas	3226
Smiley, Burr B.	St. Nicholas	3226
Smith, F. G.	Silas	3215
Smith, Peter F.	224½ S. Fourth St.	4959
Stedman, W. E.	St. Nicholas	3226
Stevenson Wm.	Southern	2057
Stoklasa, Rudolph	St. Nicholas	3226
Strauss, Jos.	St. Nicholas	3226
Sullivan, Daniel J.	St. Nicholas	3226
Sullivan, Patrick J.	St. Nicholas	3226
Swanson, John A.	Silas	3215
Terrill, Henry	Southern	2057
Thompson, R. R.	Illinois	3232
Tice, Homer J.	Silas	3215
Tourtillott, Albert T.	225 W. Adams	3383
Trimarco, Tony	St. Nicholas	3226
Tucker, C. J.	St. Nicholas	3226
Vickers, Jas. H.	St. Nicholas	3226
Wall, Patrick J.	St. Nicholas	3226
Walsh, John P.	St. Nicholas	3226
Watson, Jas. A.	St. Nicholas	3226
Welborn, Geo. B.	Illinois	3232
Werdell, Jno. C.	St. Nicholas	3226
Wheelan, Henry L.	St. Nicholas	3226
Whiteaker, Hall	St. Nicholas	3226
Wilson, G. H.	Silas	3215
Wilson, Robt. E.	St. Nicholas	3226
Winthrop, Dempsey	St. Nicholas	3226
Wright, W. H.	Illinois	3232

Springfield Addresses of Officers.

Name.	Residence.	Tel. No.
B. H. McCann, Clerk of the House....	St. Nicholas	3226
J. H. Hill, 1st Asst. Clerk	516 S. Fifth St.	1666-1
Carl S. Burgett, Doorkeeper	Illinois	3232
W. M. Haines, 1st Asst. Doorkeeper...	505 New St.	
Mrs. Millie Jackson, Postmistress	105 E. Monroe St.	2054
Mrs. Henrietta Vest, Asst. Post-		
mistress	607 W. Capitol Ave.	4208-2
Charles W. Baldwin, Enrolling		
and Engrossing Clerk	Illinois	3232

STANDING COMMITTEES OF THE HOUSE.

Agriculture—Lewis, Chairman; Dudgeon, Pervier, Campbell, Hamilton, Kerrick, Wright, Marcy, Miller, D. B., Tourtillott, Alexander, Collier, Simpson, Miller, A. A., Rapp, Richardson, Finley, Daley, Coleman, Rinehart, Thompson, Bell, Smiley, Piercy, Etherton.

Appropriations—Shanahan, Chairman; Smejkal, Dudgeon, Kirkpatrick, Campbell, Hamilton, Pervier, Lewis, Ireland, Terrill, Erickson, Shepherd, McNichols, Tice, Butts, Marcy, Carter, Abbott, D. B. Miller, Bardill, Wright, Welborn, Coolley, Rawleigh, Tourtillott, Jones, Leavitt, Mathis, Winthrop, Simpson, W. E. Anderson, Atwood, Martin, Alexander, Mitchell, R. E. Wilson, McLaughlin, Bolin, Wheelan, Donahue, Morris, Rapp, Gorman, Dillon and Fahy.

Banks and Banking—Tice, Chairman; Pierson, Montelius, Stevenson, Abbey, Shepherd, Ireland, Hagan, Butts, Bardill, Provine, Roos, Welborn, McNichols, Judah, Daley, Foster, Mitchell, Etherton, Huston, Hrubby, Bolin, Smiley, Koch, Sullivan, D. J.

Building, Loan and Homestead Associations—Burns, Chairman; Pierson, Tice, Stevenson, Kleeman, Green, Anderson, W. E., Anderson, J. E., Hrubeck, Judah, Winthrop, Miller, D. B., Hrubby, Pitlock, Smiley, Stoklasa, Conlon, Rice, Sullivan, Scott, McParland.

Canal, River Improvement and Commerce (Deep Waterway)—Smejkal, Chairman; Dudgeon, Chipfield, Hollenbeck, Flannigen, Shepherd, Abbott, Kinsella, Ryberg, Scanlan, Carter, McNichols, Church, Wheelan, Werdell, McLaughlin, Wilson, R. E., Griffin, Wall, Kelly, Mitchell, McGuire.

Chicago Charter—Erickson, Chairman; Chipfield, Kleeman, Pierson, ApMadoc, Hull, Burns, Catlin, Ryberg, Shaver, Church, Curran, Green, Blaha, Hagan, Hrubeck, Hutzler, Judah, Kinsella, McNichols, Marcy, Ostrom, Carter, Swanson, Smith, F. G., Miller, G. A., Wilson, R. E., Sullivan, P. J., Werdell, Smith, P. F., Trimarco, Sullivan, D. J., Collins, Griffin, Wheelan, McParland, Wall, McConnell, Dillon, Smiley.

Claims—Hutzler, Chairman; Erickson, Kirkpatrick, Stevenson, Tice, Abbey, Alexander, Hrubeck, Blaha, Dunne, Trimarco, Collins, McParland, Richardson, Rinehart, Dickman.

Congressional Apportionment—Chipfield, Chairman; Shurtleff, Shanahan, Smejkal, Dudgeon, Abbott, Flannigen, Kirkpatrick, Curran, Church, Ostrom, Erickson, Marcy, Pervier, Perkins, Carter, Tice, Provine, Welborn, Pierson, Jones, Catlin, Swanson, Terrill, G. H. Wilson, Coolley, Hoffman, McGuire, Alschuler, Mitchell, Hilton, Karch, Hill, McConnell, Crangle, Donahue, Rapp, Wheelan, Scott and McLaughlin.

Contingent Expenses—Ireland, Chairman; Watson, Flagg, Abbott, Montelius, W. E. Anderson, Griffin, Daley, Ryan and D. J. Sullivan.

Corporations—Scanlan, Chairman; Church, Chipfield, Kleeman, Kirkpatrick, Curran, Wilson, G. H., Hutzler, Tice, Marcy, Welborn, Montelius, Catlin, Leavitt, Jones, Judah, Moore, Rawleigh, Reid, Shaver, Swanson, Vickers, Watson, Daley, Gorman, Murphy, Groves, Griffin, Canaday, Kelly, McConnell, Pitlock, Kilens, Smith, P. F., Ryan, Stoklasa, Donohue, McParland.

Standing Committees—Continued.

County and Township Organization—Flagg, Chairman; Montelius, Lewis, Perkins, Terrill, Pierson, Collier, Martin, Miller, A. A., Tourtillott, Leavitt, Dickman, Coleman, Browne, McLaughlin, Collins, Rice, Canaday, Steadman.

Democratic Steering Committee—Foster, Chairman; Alschuler, Mitchell, Browne, Werdell, McLaughlin, O'Toole, Wilson, Walsh, McGuire, Dillon, Rapp, Gorman, Smith, Fahy, Strauss, Harp, Hill, English, McConnell.

Drainage and Waterways—Kleeman, Chairman; McNichols, Dudgeon, Flannigen, Shepard, Smejkal, Anderson, J. E., Coolley, Whiteaker, Anderson, W. E., Atwood, Alexander, Miller, A. A., Roos, Pierson, Werdell, McConnell, Fahy, Mitchell, Browne, Hilton, Kelly, Ryan, Stoklasa, Pitlock, Donoghue.

Education—Carter, Chairman; Chipfield, Provine, Kinsella, Stevenson, Abbott, Alexander, Anderson, J. E., Barker, Covey, Green, Martin, Smith, F. G., Blaha, Prendergast, Moore, Browne, Alschuler, Foster, Gorman, McGuire, Werdell, Griffin, Koch, Pitlock, Canaday.

Elections—Perkins, Chairman; King, Provine, ApMadoc, Swanson, Smejkal, Watson, Terrill, G. A. Miller, Reid, Kerrick, Hagan, Simpson, Rawleigh, Alexander, O'Toole, McLaughlin, Foster, Pitlock, Browne, Fahy, R. E. Wilson, Daley, Conlon and Crangle.

Enrolled and Engrossed Bills—Lyons, Chairman; McNichols, Marcy, Smith, F. G., Winthrop, Walsh, Morris.

Executive Department—Miller, G. A., Chairman; Curran, Hull, Montelius, Flagg, Dudgeon, Covey, Anderson, W. E., Coolley, Judah, Collins, Finley, Koch, Richardson, Huston, Rinehart.

Farm Drainage—Montelius, Chairman; Hamilton, Pervier, Campbell, Wright, Ireland, Tourtillott, Abbott, Wilson, G. H., Lewis, Rapp, Browne, Dunne, Rice, Grangle, Wilson, R. E., Hoffman.

Federal Relations—Winthrop, Chairman; Perkins, Roos, Wright, Whiteaker, Anderson, J. E., Welborn, Reid, Scanlan, Piercy, Smith, P. F., Dunne, Stoklasa, Donohue, Stedman.

Fees and Salaries—Hagan, Chairman; Scanlan, Perkins, ApMadoc, Hutzler, Atwood, Anderson, W. E., Miller, G. A., Vickers, Watson, Daley, Dunne, Stoklasa, Hoffman, Trimarco, McParland, Conlon.

Finance—Anderson, W. E., Chairman; Flagg, Green, Stevenson, Ryberg, Watson, Judah, Leavitt, Prendergast, Hilton, Huston, Murphy, Dickman, Conlon, Donohue.

Fish and Game—Bardill, Chairman; Abbey, Butts, Provine, Shepherd, Welborn, Wilson, G. H., Moore, Miller, G. A., Martin, Barker, Collier, Hruby, Pierson, Dillon, Bolin, Foster, Wilson, R. E., Gorman, Rice, Koch.

Fraternal and Mutual Insurance—Roos, Chairman; Atwood, Stevenson, King, Pervier, Perkins, Jones, Terrill, Whiteaker, Hruby, Wheelan, Alschuler, Groves, Ryan, Bell.

Good Roads—Miller, D. B., Chairman; Kirkpatrick, Carter, Campbell, Bardill, Abbey, Dudgeon, Flagg, Tourtillott, Reid, Collier, Martin, Anderson, J. E., Leavitt, McConnell, Finley, Bolin, Richardson, Huston, Hill, Coleman, Karch, Thompson.

Horticulture—Jones, Chairman; Stevenson, Welborn, Lewis, Wright, Coolley, Winthrop, Barker, Flagg, Mathis, Miller, A. A., Huston, Trimarco, Scott, Poorman, Coleman, Kilens, Tucker, Dennis.

Insurance—ApMadoc, Chairman; Kleeman, Hollenbeck, Hutzler, Scanlan, McNichols, Coolley, Smith, F. G., Anderson, J. E., Barker, Blaha, Catlin, Marcy, Mathis, Reid, Swanson, Whiteaker, Wheelan, Crangle, Groves, Alschuler, Wall, Smith, P. F., Harp, Conlon, Collins, Canaday, Mitchell.

Joint Rules—Wright, Chairman; Ostrom, Shaver, Stedman.

Judiciary—Holaday, Chairman; Chipfield, Shurtleff, Hamilton, Church, Pierson, King, Kleeman, Hull, Hollenbeck, ApMadoc, Smejkal, Perkins, Flannigen, Scanlan, Wilson, G. H., Lyons, Shepherd, Provine, Catlin, Burns, Miller, G. A., Hill, Rinehart, Alschuler, Moore, Covey, Judah, Reid, Roos, Swanson, Watson, Shaver, Prendergast, Browne, O'Toole, English, Hruby, Donahue, Bolin, Scott, Gilbert, Dillon, Crangle, Karch, Kelly, Dennis, Rice, Tucker.

Standing Committees—Continued.

Judicial Apportionment—Welborn, Chairman; Hollenbeck, Parkins, Ostrom, Wright, Bardill, Terrill, Tice, Pervier, Campbell, Leavitt, Vickers, Jones, Mathis, Atwood, Prendergast, Lyon, Martin, Covey, Alexander, Catlin, Green, English, Canaday, Smiley, Crangle, Dickman, Scott, Poorman, Groves.

Judicial Department and Practice—Provine, Chairman; Chipfield, Smejkal, Church, Perkins, Wilson, G. H., ApMadoc, Pierson, King, Flannigen, Reid, Swanson, Watson, Shaver, Burns, Gilbert, Hill, Dillon, Crangle, English, Karch, O'Toole, Hruby, Donahue, Browne, Kelly.

Labor and Industrial Affairs—King, Chairman; Hull, Scanlan, Lewis, Covey, Hrubec, Miller, G. A., Moore, Curran, Smith, F. G., Fahy, McGuire, Morris, O'Toole, Dunne, Sullivan, Karch.

Liberal Committee—Curran, Chairman; McNichols, Ostrom, Hrubec, Roos, Kleeman, Smejkal, Erickson, Burns, Green, Flannigen, Vickers, Covey, Moore, Scanlan, Galligan, Conlon, Stoklasa, Sullivan, D. J., Harp, Karch, Kilens, Sullivan, P. J., Griffin.

Libraries—Covey, Chairman; Montelius, Kerrick, Carter, Welborn, Simpson, Moore, Anderson, W. E., Kinsella, Mathis, Vickers, Piercy, Thompson, Gorman, Dennis, Scott, Harp, Donahue, Hruby, Ryan.

License—Flannigen, Chairman; Kleeman, Terrill, Curran, Smith, F. G., Watson, Church, Lyon, Kinsella, Tice, Shepherd, Vickers, Rawleigh, Abbey, Miller, D. B., Werdell, Ryan, Kelley, Harp, Pitlock, Dillon, Wheelan, Fahy, R. E. Wilson, Donoghue.

Live Stock and Dairying—Shepherd, Chairman; Shurtleff, Dudgeon, Erickson, Abbott, Roos, Coolley, Alexander, Simpson, Anderson, W. E., Martin, Collier, Hilton, Kilens, Coleman, Murphy, O'Toole, McLaughlin, Strauss, Wall, Walsh.

Manufactures—Church, Chairman; Bardill, Shepherd, Kinsella, Roos, Moore, Tourtillott, Vickers, Burns, Sullivan, Wilson, R. E., O'Rourke, Murphy, Conlon, Griffin, Trimarco.

Military Affairs—Kerrick, Chairman; Chipfield, Hamilton, Campbell, Butts, Provine, Burns, Green, Tourtillott, Collier, Simpson, Rinehart, Daley, Wilson, R. E., Sullivan, D. J., Wall, Hill, Trimarco, Donoghue.

Mines and Mining—Pervier, Chairman; Terrill, Kirkpatrick, Erickson, Ireland, Perkins, Chipfield, Lyon, Flagg, Lewis, Kerrick, Shaver, Jones, Moore, Stevenson, Foster, Dickman, Fahy, Harp, McGuire, Morris, McParland, Browne, Hruby, Rice.

Miscellaneous Subjects—Marcy, Chairman; ApMadoc, Tice, Miller, D. B., Rawleigh, Miller, A. A., Swanson, Vickers, Whiteaker, Anderson, J. E., Werdell, Kelly, Galligan, Dillon, Stoklasa, Wheelan.

Municipal Corporations—Butts, Chairman; Pierson, King, Church, Shepherd, Carter, Smejkal, Ostrom, Prendergast, Flannigen, Martin, Miller, G. A., Vickers, Smith, F. G., Rawleigh, Covey, Collier, Burns, Blaha, Anderson, J. E., Ryberg, Hrubec, Galligan, Alschuler, Walsh, Mitchell, Sullivan, McLaughlin, O'Rourke, Strauss, Smith, P. F., Crangle, Collins, Gorman, McConnell, Donoghue.

Municipal Courts—Judah, Chairman; Provine, Lyons, Marcy, Pierson, ApMadoc, Catlin, Reid, Shaver, Prendergast, Gilbert, O'Toole, Kilens, Hilton, Murphy, Trimarco, Collins.

Parks and Boulevards—Ostrom, Chairman; Flannigen, Butts, Scanlan, Hull, Wilson, G. H., Hagan, Curran, Lyon, Hrubec, Kinsella, Blaha, Green, Catlin, Anderson, W. E., Mitchell, Werdell, Murphy, O'Toole, Strauss, Dillon, Hoffman, Collins, Galligan, McLaughlin.

Penal and Reformatory Institutions—Dudgeon, Chairman; Chipfield, Ireland, Kerrick, Hutzler, Hull, Marcy, Winthrop, Atwood, Coolley, Jones, Miller, G. A., Smith, F. C., Tourtillott, Watson, McLaughlin, Kelly, McConnell, Sullivan, Rapp, Collins, Morris, Hoffman.

Primary Elections—McNichols, Chairman; Miller, A. A., Church, Kirkpatrick, Curran, Erickson, Roos, Ostrom, Montelius, Flagg, Dudgeon, Hutzler, Miller, D. B., Leavitt, Green, Covey, Blaha, Strauss, Wall, Poorman, Tucker, Smiley, McConnell, Donahue, Gilbert, Donoghue.

Standing Committees—Continued.

Printing—Shaver, Chairman; Abbey, Montelius, Abbott, Miller, A. A., Blaha, Swanson, Butts, Poorman, Tucker, Hraby, Morris, Bell, Stedman.

Public Buildings and Grounds—Moore, Chairman; Ryberg, Bardill, Prendergast, Hagan, Green, Anderson, W. E., Abbott, Tourtellott, Daley, O'Toole, Dickman, McLaughlin, Dunne, Trimarco.

Public Charities—Collier, Chairman; Moore, Lewis, Kerrick, Carter, Rawleigh, Ryberg, Swanson, Smith, F. G., Prendergast, Shaver, Harp, Rapp, Dunne, Collins, Richardson, Rinehart.

Railroads—Abbott, Chairman; Flannigen, Kirkpatrick, Dudgeon, Butts, McNichols, Scanlan, Hollenbeck, Ireland, Wright, Abbey, Hagan, Ostrom, Atwood, Hrubeck, Leavitt, Whiteaker, Winthrop, Hill, Galligan, Hilton, Conlon, Fahy, Griffin, Browne, Mitchell, McGuire, Wilson, English.

Republican Steering Committee—Pierson, Chairman; Tice, Shurtleff, Chipperfield, Holaday, Wilson, G. H., Shanahan, Smejkal, Hamilton, King, Kleeman, Dudgeon, Flagg, Abbott, Flannigen, Perkins, Church.

Retrenchment—Vickers, Chairman; Hull, Hutzler, Alexander, Jones, Martin, Miller, D. B., Hrubeck, Finley, Coleman, Scott, Morris, Dickman, Smith, P. F.

Revenue—Hamilton, Chairman; King, Ireland, Hollenbeck, Erickson, Scanlan, Kleeman, Ostrom, Atwood, Hrubeck, Judah, Miller, A. A., Jones, Ryberg, Tice, Mathis, Rawleigh, Huston, Werdell, Rapp, O'Rourke, Smiley, Thompson, Harp, Dillon, Galligan, Alschuler, Tucker.

Rights of Minority—Alschuler, Chairman; English, P. J. Sullivan, Groves, Galligan, Wheelan, Kelly, Stoklasa, Hoffman, Hilton, Karch, O'Rourke, Koch, Crangle, Kilens, Hraby, Murphy, Wall, Huston and P. F. Smith.

Roads and Bridges—Stevenson, Chairman; Kerrick, Campbell, Kirkpatrick, Tice, Pervier, Provine, Terrill, Miller, A. A., Barker, Simpson, Whiteaker, Winthrop, Alexander, Richardson, Crangle, Canaday, Koch, Tucker, Thompson, O'Rourke, Etherton, Stedman, Alschuler.

Rules—Speaker, Chairman; Shurtleff, Hull, Holaday, Pervier, Smejkal, Alschuler, English and Gorman.

Sanitary Affairs—Hollenbeck, Chairman; Carter, Erickson, Flannigen, Hamilton, Flagg, Barker, Collier, Ryberg, O'Rourke, Conlon, Bell, Stedman, Pitlock, Sullivan, Kilens, Wall.

Senatorial Apportionment—Kirkpatrick, Chairman; King, Ireland, Hollenbeck, Lyon, Flagg, Campbell, Scanlan, Shepherd, Erickson, Hutzler, Roos, McNichols, Kleeman, Judah, Hrubeck, Burns, Shaver, Tourtellott, Covey, Leavitt, Simpson, Watson, Barker, Whiteaker, ApMadoc, O'Toole, Dennis, Wilson, Strauss, O'Rourke, McGuire, McLaughlin, Bolin, Walsh, Browne, Ryan, Morris and Mitchell.

State and County Fairs—Simpson, Chairman; Lyon, Ireland, Hollenbeck, Hagan, Lewis, Coolley, Atwood, Barker, Collier, Kinsella, Thompson, Smiley, Rice, Finley, Murphy, Smith, Dennis.

State Geological Survey—Watson, Chairman; Lewis, Abbey, ApMadoc, Leavitt, Rawleigh, Hutzler, Vickers, Rice, Koch, Canaday, Daley, Etherton, Finley.

State and Municipal Civil Service Reform—Hull, Chairman; Pervier, Provine, Smejkal, McNichols, Curran, Hutzler, Wright, Ryberg, Alexander, Catlin, Hagan, Miller, G. A., Kinsella, Smith, F. G., Rapp, Mitchell, Gorman, McGuire, Gilbert, Bolin, Werdell, Karch.

State and Municipal Indebtedness—Barker, Chairman; Butts, Lyon, Roos, Reid, Prendergast, Miller, D. B., Ostrom, Mathis, Walsh, Foster, Hoffman, Strauss, Morris, Kelly, Kilens.

State Institutions—Whiteaker, Chairman; Wright, Hull, Bardill, Campbell, Butts, Curran, Green, Hamilton, Mathis, Coolley, Barker, Smiley, Griffin, Finley, Piercy, Hoffman, Tucker, Sullivan, P. J., Walsh, Wheelan.

Statutory Revision—Reid, Chairman; Kleeman, King, Hollenbeck, Hamilton, Church, ApMadoc, Burns, Shaver, Crangle, Piercy, Coleman, Scott, Gilbert, Hraby.

Standing Committees—Concluded.

Soldiers' and Sailors' Home and Soldiers' Orphans' Home—Campbell, Chairman; Montelius, Carter, Kirkpatrick, Leavitt, Marcy, Tourtillot, Wilson, G. H., Hoffman, Dunne, Dennis, Dickman, Poorman, Stedman.

Temperance—Wilson, G. H., Chairman; Lyon, Tice, Carter, Provine, Hamilton, Hull, Pervier, Kerrick, Montelius, Abbey, Terrill, Kirkpatrick, Stevenson, Simpson, Atwood, Miller, G. A., Jones, Watson, Mathis, Alexander, English, Huston, Finley, Richardson, Etherton, Scott, Groves, Canaday, Rapp, Poorman, Coleman, Tucker, Stedman, Bell, Dennis, Rice, Piercy, Smith, F. G., Anderson, J. E.

To Visit State Charitable Institutions—Terrill, Chairman; Hamilton, Lyon, Kerrick, Jones, Kinsella, Thompson, Canaday, Bolin, Galligan, McParland.

To Visit State Educational Institutions—Mathis, Chairman; Ireland, Bardill, Wilson, G. H., Simpson, Martin, Etherton, Stedman, Hilton, McGuire, Ryan.

To Visit Penal and Reformatory Institutions—Coolley, Chairman; King, Abbey, Welborn, Catlin, Flagg, Hill, Fahy, Griffin, O'Rourke, Daley.

Warehouses—Abbey, Chairman; Campbell, Hagan, Kerrick, King, Miller, A. A., Erickson, Ostrom, Miller, D. B., Perkins, Rawleigh, Burns, O'Rourke, McParland, Thompson, Walsh, Pitlock, Sullivan, P. J., Scott, Foster.

Committee Groupings, Rooms and Clerks.

Group No. 1, Room 1, East Wing, Third Floor—Live Stock and Dairying, Elections, Corporations, Sanitary Affairs, Claims, State Institutions, Canal, River Improvement and Commerce (Deep Waterway). Clerks—James Jewett, Al. Gilman.

Group No. 2, Room 4, East Wing, Third Floor—Railroads, Education, Drainage and Waterways, Revenue, Penal and Reformatory Institutions, Liberal Committee. Clerks—J. D. Webster, George W. Eldredge.

Group No. 3, Room 6, West Wing, Third Floor—Judiciary, Chicago Charter, Labor and Industrial Affairs. Clerk—H. O. Cook.

Group No. 4, Old Supreme Court Room, Second Floor—Judicial Department and Practice, Temperance. Clerk—George Harrison.

Group No. 5, Room 10, East Wing, Fourth Floor—Enrolled and Engrossed Bills, Joint Rules. Clerk—P. F. Dodd.

Group No. 6, Room 11, South Wing, Third Floor—Contingent Expenses, Printing. Clerks—William Quinn, R. E. Blackman.

Group No. 7, Room 13, South Wing, Third Floor—Appropriations. Clerk—Thomas Ruth.

Group No. 8, Room 19, South Wing, Fourth Floor—Banks and Banking, Municipal Courts, Retrenchments, State and County Fairs. Clerk—R. W. Phillips.

Group No. 9, Room 20, South Wing, Fourth Floor—Fish and Game, Fraternal and Mutual Insurance, License, Military Affairs, Primary Elections, Warehouses. Clerk—C. H. Moon.

Group No. 10, Room 21, South Wing, Fourth Floor—Agriculture, County and Township Organization, State and Municipal Civil Service Reform, Farm Drainage, State and Municipal Indebtedness. Clerk—Fred Barnsback.

Group No. 11, Room 22, South Wing, Fourth Floor—Municipal Corporations, Statutory Revision, Congressional Apportionment. Clerk—E. M. Thurman.

Group No. 12, Room 23, South Wing, Fourth Floor—Public Buildings and Grounds, Public Charities, State Institutions, Horticulture, Insurance, State Geological Survey, Senatorial Apportionment. Clerk—Wallie Zaabel.

Group No. 13, Room 24, South Wing, Fourth Floor—Executive Department, Miscellaneous Subjects, Finance, Fees and Salaries, Federal Relations. Clerk—James E. Aldrich.

Group No. 14, Room 25, South Wing, Fourth Floor—Building, Loan and Homestead Associations, Good Roads, Manufactures, Parks and Boulevards, Visit Penal Institutions, Visit Charitable Institutions, Visit Educational Institutions. Clerk—J. F. Brown.

Group No. 15, Room 26, South Wing, Fourth Floor—Libraries, Mines and Mining, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Roads and Bridges. Clerk—

Speaker's Room—Committee on Rules.

Committee Assignments of Representatives Forty-Seventh General Assembly, 1911.

Abbey, Frank E.—Chairman of Committee on Warehouses and member of the following committees: Banks and Banking, To Visit Penal and Reformatory Institutions, State Geological Survey, Temperance, Claims, Fish and Game, Good Roads, License, Printing, Railroads.

Abbott, Alfred N.—Chairman of Committee on Railroads and member of the following committees: Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Republican Steering Committee, Contingent Expenses, Education, Farm Drainage, Live Stock and Dairying, Public Buildings and Grounds, Printing, Congressional Apportionment.

Alexander, James H.—Member of Committees on Agriculture, Appropriations, Judicial Apportionment, Temperance, Claims, Drainage and Waterways, Education, Elections, Live Stock and Dairying, Roads and Bridges, Retrenchments, State and Municipal Civil Service Reform.

Alschuler, George W.—Chairman of Committee on Rights of the Minority and member of the following committees: Judiciary, Rules, Democratic Steering Committee, Education, Fraternal and Mutual Insurance, Insurance, Municipal Corporations, Revenue, Roads and Bridges, Congressional Apportionment.

Anderson, Joseph E.—Member of Committees on Building, Loan and Homestead Associations, Temperance, Drainage and Waterways, Education, Federal Relations, Good Roads, Insurance, Miscellaneous Subjects, Municipal Corporations.

Anderson, W. E.—Chairman of Committee on Finance and member of the following committees: Appropriations, Building, Loan and Homestead Associations, Libraries, Parks and Boulevards, Contingent Expenses, Drainage and Waterways, Executive Department, Fees and Salaries, Live Stock and Dairying, Public Buildings and Grounds.

ApMador, William Tudor—Chairman of Committee on Insurance and member of the following committees: Chicago Charter, Judiciary, Statutory Revision, State Geological Survey, Elections, Fees and Salaries, Judicial Department and Practice, Miscellaneous Subjects, Municipal Courts, Senatorial Apportionment.

Atwood, John A.—Member of Committees on Appropriations, Judicial Apportionment, Temperance, Drainage and Waterways, Fees and Salaries, Fraternal and Mutual Insurance, Penal and Reformatory Institutions, Railroads, Revenue, State and County Fairs.

Bardill, J. G.—Chairman of Committee on Fish and Game and member of the following committees: Banks and Banking, Appropriations, Judicial Apportionment, Manufactures, To Visit State Educational Institutions, Good Roads, Public Buildings and Grounds.

Barker, Elwood—Chairman of Committee on State and Municipal Indebtedness and member of the following committees: State Institutions, Education, Fish and Game, Horticulture, Insurance, Roads and Bridges, Sanitary Affairs, State and County Fairs, Senatorial Apportionment.

Bell, James M.—Member of Committees on Agriculture, Temperance, Fraternal and Mutual Insurance, Printing, Sanitary Affairs.

Blahe, Joseph C.—Member of committees on Chicago Charter, Parks and Boulevards, Claims, Education, Insurance, Municipal Corporations, Printing, Primary Elections.

Bolin, Charles E.—Member of Committees on Banks and Banking, Appropriations, Judiciary, To Visit State Charitable Institutions, Fish and Game, Good Roads, State and Municipal Civil Service Reform, Senatorial Apportionment.

Browne, Lee O'Neil—Member of Committees on County and Township Organization, Judiciary, Democratic Steering Committee, Drainage and Waterways, Education, Elections, Farm Drainage, Judicial Department and Practice, Mines and Mining, Railroads, Senatorial Apportionment.

Burns, James F.—Chairman of Committee on Building, Loan and Homestead Associations and member of the following committees: Chicago Charter, Judiciary, Manufactures, Military Affairs, Liberal Committee, Statutory Revision, Warehouses, Judicial Department and Practice, Municipal Corporations, Senatorial Apportionment.

Butts, Lucas I.—Chairman of Committee on Municipal Corporations and member of the following committees: Banks and Banking, Appropriations, Parks and Boulevards, Military Affairs, State and Municipal Indebtedness, State Institutions, Fish and Game, Printing, Railroads.

Campbell, Thomas—Chairman of Committee on Soldiers' and Sailors' Home and Soldiers' Orphans' Home and member of the following committees: Agriculture, Appropriations, Judicial Apportionment, Military Affairs, State Institutions, Warehouses, Farm Drainage, Good Roads, Roads and Bridges, Senatorial Apportionment.

Canaday, Stephen D.—Member of Committees on County and Township Organization, Judicial Apportionment, To Visit State Charitable Institutions, State Geological Survey, Temperance, Corporations, Education, Insurance, Roads and Bridges.

Carter, Joseph—Chairman of Committee on Education and member of the following committees: Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Libraries, Temperance, Good Roads, Municipal Corporations, Public Charities, Sanitary Affairs, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Chicago Charter, Congressional Apportionment.

Catlin, Franklin S.—Member of Committees on Chicago Charter, Judiciary, Judicial Apportionment, Parks and Boulevards, To Visit Penal and Reformatory Institutions, Corporations, Insurance, Municipal Courts, State and Municipal Civil Service Reform, Congressional Apportionment.

Chiperfield, B. M.—Chairman of Committee on Congressional Apportionment and member of the following committees: Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Judiciary, Military Affairs, Republican Steering Committee, Corporations, Education, Judicial Department and Practice, Mines and Mining, Penal and Reformatory Institutions.

Church, Chester W.—Chairman of Committee on Manufactures and member of the following committees: Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Judiciary, Republican Steering Committee, Statutory Revision, Corporations, Judicial Department and Practice, License, Municipal Corporations, Primary Elections, Congressional Apportionment.

Coleman, John—Member of Committees on Agriculture, County and Township Organization, Statutory Revision, Temperance, Good Roads, Horticulture, Live Stock and Dairying, Retrenchments.

Collier, Alexander—Chairman of Committee on Public Charities and member of the following committees: Agriculture, County and Township Organization, Military Affairs, Fish and Game, Good Roads, Municipal Corporations, Live Stock and Dairying, Sanitary Affairs, State and County Fairs.

Collins, Robert J.—Member of Committees on County and Township Organization, Chicago Charter, Parks and Boulevards, Claims, Executive Department, Insurance, Municipal Courts, Municipal Corporations, Public Charities, Penal and Reformatory Institutions.

Conlon, Bernard J.—Member of Committees on Building, Loan and Homestead Associations, Manufactures, Liberal Committee, Elections, Fees and Salaries, Finance, Insurance, Railroads, Sanitary Affairs.

Coolley, I. N.—Chairman of Committee To Visit Penal and Reformatory Institutions and member of the following committees: Appropriations, State Institutions, Drainage and Waterways, Executive Department, Horticulture, Insurance, Live Stock and Dairying, Penal and Reformatory Institutions, State and County Fairs, Congressional Apportionment.

Covey, Ira J.—Chairman of Committee on Libraries and member of the following committees: Judiciary, Judicial Apportionment, Liberal Committee, Education, Executive Department, Labor and Industrial Affairs, Municipal Corporations, Primary Elections, Senatorial Apportionment.

Crangle, Frank M.—Member of Committees on Judiciary, Judicial Apportionment, Statutory Revision, Elections, Farm Drainage, Insurance, Judicial Department and Practice, Municipal Corporations, Roads and Bridges, Rights of the Minority, Congressional Apportionment.

Curran, Thomas—Chairman of Liberal Committee and member of the following committees: Chicago Charter, Parks and Boulevards, State Institutions, Corporations, Executive Department, Labor and Industrial Affairs, License, Primary Elections, State and Municipal Civil Service Reform, Congressional Apportionment.

Daley, Louis P.—Member of Committees on Agriculture, Banks and Banking, Military Affairs, To Visit Penal and Reformatory Institutions, State Geological Survey, Contingent Expenses, Corporations, Elections, Fees and Salaries, Public Buildings and Grounds.

Dennis, Andrew B.—Member of Committees on Judiciary, Libraries, Temperance, Horticulture, State and County Fairs, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Senatorial Apportionment.

Dickman, William—Member of Committees on County and Township Organization, Judicial Apportionment, Claims, Finance, Mines and Mining, Public Buildings and Grounds, Retrenchments, Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

Dillon, Martin J.—Member of Committees on Appropriations, Chicago Charter, Judiciary, Parks and Boulevards, Democratic Steering Committee, Fish and Game, Judicial Department and Practice, License, Miscellaneous Subjects, Revenue.

Donahue, D. D.—Member of Committees on Appropriations, Judiciary, Libraries, Corporations, Federal Relations, Finance, Judicial Department and Practice, Primary Elections, Congressional Apportionment.

Donoghue, Thomas H.—Member of Committees on Drainage and Waterways, License, Military Affairs, Municipal Corporations, Primary Elections.

Dudgeon, Israel—Chairman of Committee on Penal and Reformatory Institutions and member of the following committees: Agriculture, Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Republican Steering Committee, Drainage and Waterways, Executive Department, Good Roads, Live Stock and Dairying, Primary Elections, Railroads, Congressional Apportionment.

Dunne, Timothy—Member of Committees on Claims, Farm Drainage, Federal Relations, Fees and Salaries, Labor and Industrial Affairs, Public Charities, Public Buildings and Grounds, Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

English, George W.—Member of Committees on Judiciary, Judicial Apportionment, Rules, Democratic Steering Committee, Temperance, Judicial Department and Practice, Railroads, Rights of the Minority.

Erickson, Frederick E.—Chairman of Committee on Chicago Charter and member of the following committees: Appropriations, Liberal Committee, Warehouses, Claims, Mines and Mining, Live Stock and Dairying, Primary Elections, Revenue, Sanitary Affairs, Congressional Apportionment, Senatorial Apportionment.

Etherton, James M.—Member of Committees on Agriculture, Banks and Banking, To Visit State Educational Institutions, State Geological Survey, Temperance, Roads and Bridges.

Fahy, Michael—Member of Committees on Appropriations, Democratic Steering Committee, To Visit Penal and Reformatory Institutions, Drainage and Waterways, Elections, Labor and Industrial Affairs, License, Mines and Mining, Railroads.

Finley, William E.—Member of Committees on Agriculture, State Geological Survey, State Institutions, Temperance, Executive Department, Good Roads, Retrenchments, State and County Fairs.

Flagg, Norman G.—Chairman of Committees on County and Township Organization and member of the following committees: Republican Steering Committee, To Visit Penal and Reformatory Institutions, Contingent Expenses, Executive Department, Finance, Good Roads, Horticulture, Mines and Mining, Primary Elections, Sanitary Affairs, Senatorial Apportionment.

Flannigen, John L.—Chairman of Committee on License and member of the following committees: Canal, River Improvement and Commerce (Deep Waterway), Judiciary, Parks and Boulevards, Republican Steering Committee, Liberal Committee, Drainage and Waterways, Judicial Department and Practice, Municipal, Congressional Apportionment.

Foster, A. M.—Chairman of Democratic Steering Committee and member of the following committees: Banks and Banking, Warehouses, Education, Elections, Fish and Game, Mines and Mining.

Galligan, Peter F.—Member of Committees on Parks and Boulevards, Liberal Committee, To Visit State Charitable Institutions, Miscellaneous Subjects, Municipal Corporations, Railroads, Revenue, Rights of the Minority.

Gilbert, Hiram T.—Member of Committees on Judiciary, Statutory Revision, Judicial Department and Practice, Municipal Courts, State and Municipal Civil Service Reform, Primary Elections.

Gorman, Thomas N.—Member of Committees on Appropriations, Libraries, Rules, Democratic Steering Committee, Corporations, Education, Fish and Game, Municipal Corporations, State and Municipal Civil Service Reform.

Green, Edward D.—Member of Committees on Building, Loan and Homestead Associations, Chicago Charter, Judicial Apportionment, Parks and Boulevards, Military Affairs, Liberal Committee, State Institutions, Education, Public Buildings and Grounds, Finance, Primary Elections.

Griffin, John—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Manufactures, Liberal Committee, To Visit Penal and Reformatory Institutions, State Institutions, Contingent Expenses, Corporations, Education, Railroads.

Groves, W. M.—Member of Committees on Judicial Apportionment, Temperance, Corporations, Fraternal and Mutual Insurance, Rights of the Minority, Insurance.

Hagan, Richard P.—Chairman of Committee on Fees and Salaries and member of the following committees: Banks and Banking, Chicago Charter, Parks and Boulevards, Warehouses, Elections, Public Buildings and Grounds, Railroads, State and County Fairs, State and Municipal Civil Service Reform.

Hamilton, George N.—Chairman of Committee on Revenue and member of the following committees: Agriculture, Appropriations, Judiciary, Military Affairs, Republican Steering Committee, Statutory Revision, To Visit State Charitable Institutions, State Institutions, Temperance, Farm Drainage, Sanitary Affairs.

Harp, William H.—Member of Committees on Libraries, Democratic Steering Committee, Liberal Committee, Insurance, License, Mines and Mining, Public Charities, Revenue.

Hill, Robert P.—Member of Committees on Judiciary, Democratic Steering Committee, Military Affairs, To Visit Penal and Reformatory Institutions, Good Roads, Judicial Department and Practice, Railroads, Congressional Apportionment.

Hilton, George C.—Member of Committees to Visit State Educational Institutions, Drainage and Waterways, Finance, Municipal Courts, Live Stock and Dairying, Railroads, Rights of the Minority, Congressional Apportionment.

Hoffman, William H.—Member of Committees on Parks and Boulevards, State and Municipal Indebtedness, State Institutions, Farm Drainage, Fees

and Salaries, Penal and Reformatory Institutions, Rights of the Minority, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Congressional Apportionment.

Holaday, William P.—Chairman of Committee on Judiciary and member of the following committees: Rules, Republican Steering Committee.

Hollenbeck, William T.—Chairman of Committee on Sanitary Affairs and member of the following committees: Canal, River Improvement and Commerce (Deep Waterway), Judiciary, Judicial Apportionment, Statutory Revision, Insurance, Railroads, Revenue, State and County Fairs, Senatorial Apportionment.

Hrubeck, John—Member of Committees on Building, Loan and Homestead Associations, Chicago Charter, Parks and Boulevards, Liberal Committee, Claims, Fish and Game, Labor and Industrial Affairs, Municipal Corporations, Railroads, Revenue, Retrenchments, Senatorial Apportionment.

Hruby, John O.—Member of Committees on Banks and Banking, Building, Loan and Homestead Associations, Judiciary, Libraries, Statutory Revision, Fraternal and Mutual Insurance, Judicial Department and Practice, Mines and Mining, Printing, Rights of the Minority.

Hull, Morton D.—Chairman of Committee on State and Municipal Civil Service Reform and member of the following committees: Chicago Charter, Judiciary, Rules, Parks and Boulevards, State Institutions, Temperance, Executive Department, Labor and Industrial Affairs, Penal and Reformatory Institutions, Retrenchments.

Huston, John—Member of Committees on Banks and Banking, Temperance, Executive Department, Finance, Good Roads, Horticulture, Revenue, Rights of the Minority.

Hutzler, Lewis—Chairman of Committee on Claims and member of the following committees: Chicago Charter, State Geological Survey, Corporations, Fees and Salaries, Insurance, Primary Elections, Penal and Reformatory Institutions, Retrenchments, State and Municipal Civil Service Reform, Senatorial Apportionment.

Ireland, H. T.—Chairman of Committee on Contingent Expenses and member of the following committees: Banks and Banking, Appropriations, To Visit State Educational Institutions, Farm Drainage, Mines and Mining, Penal and Reformatory Institutions, Railroads, Revenue, State and County Fairs, Senatorial Apportionment.

Jones, Robert S.—Chairman of Committee on Horticulture and member of the following committees: Appropriations, Judicial Apportionment, To Visit State Charitable Institutions, Temperance, Corporations, Fraternal and Mutual Insurance, Mines and Mining, Penal and Reformatory Institutions, Revenue, Retrenchments, Congressional Apportionment.

Judah, Noble B., Jr.—Chairman of Committee on Municipal Courts and member of the following committees: Banks and Banking, Building, Loan and Homestead Associations, Chicago Charter, Judiciary, Corporations, Executive Department, Finance, Revenue, Senatorial Apportionment.

Karch, Charles A.—Member of Committees on Judiciary, Liberal Committee, Good Roads, Judicial Department and Practice, Labor and Industrial Affairs, Rights of the Minority, State and Municipal Civil Service Reform, Congressional Apportionment.

Kelly, Bernard L.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Judiciary, State and Municipal Indebtedness, Corporations, Drainage and Waterways, Judicial Department and Practice, License, Miscellaneous Subjects, Penal and Reformatory Institutions, Rights of the Minority.

Kerrick, Josiah—Chairman of Committee on Military Affairs and member of the following committees: Agriculture, Libraries, To Visit State Charitable Institutions, Temperance, Warehouses, Elections, Mines and Mining, Public Charities, Penal and Reformatory Institutions, Roads and Bridges.

Kilens, Hubert—Member of Committees on State and Municipal Indebtedness, Liberal Committee, Corporations, Horticulture, Municipal Courts, Live Stock and Dairying, Rights of the Minority, Sanitary Affairs.

King, Edward J.—Chairman of Committee on Labor and Industrial Affairs, Judiciary, Republican Steering Committee, Statutory Revision, To Visit Penal and Reformatory Institutions, Warehouses, Elections, Fraternal and Mutual Insurance, Judicial Department and Practice, Municipal Corporations, Revenue, Senatorial Apportionment.

Kinsella, Joseph P.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Libraries, Parks and Boulevards, Manufactures, To Visit State Charitable Institutions, Education, License, State and County Fairs, State and Municipal Civil Service Reform.

Kirkpatrick, R. D.—Chairman of Committee on Senatorial Apportionment and member of the following committees: Appropriations, Temperance, Claims, Corporations, Good Roads, Mines and Mining, Primary Elections, Railroads, Roads and Bridges, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Congressional Apportionment.

Kleman, Benton F.—Chairman of Committee on Drainage and Waterways and member of the following committees: Building, Loan and Homestead Associations, Chicago Charter, Judiciary, Republican Steering Committee, Liberal Committee, Statutory Revision, Corporations, Insurance, Judicial Department and Practice, License, Revenue, Senatorial Apportionment.

Koch, Fred E.—Member of Committees on Banks and Banking, State Geological Survey, Education, Executive Department, Fish and Game, Roads and Bridges, Rights of the Minority.

Leavitt, Thomas N.—Member of Committees on Appropriations, County and Township Organization, Judicial Apportionment, State Geological Survey, Corporations, Finance, Good Roads, Primary Elections, Railroads, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Senatorial Apportionment.

Lewis, William R.—Chairman of Committee on Agriculture and member of the following committees: Appropriations, County and Township Organization, State Geological Survey, Farm Drainage, Horticulture, Labor and Industrial Affairs, Mines and Mining, Public Charities, State and County Fairs.

Lyon, Thomas E.—Chairman of Committee on Enrolled and Engrossed Bills and member of the following committees: Judiciary, Judicial Apportionment, Parks and Boulevards, To Visit State Charitable Institutions, State and Municipal Indebtedness, Temperance, License, Mines and Mining, Municipal Courts, State and County Fairs, Senatorial Apportionment.

McConnell, George L.—Member of Committees on Chicago Charter, Corporations, Drainage and Waterways, Good Roads, Primary Elections, Penal and Reformatory Institutions, Municipal Corporations, Democratic Steering Committee, Congressional Apportionment.

McGuire, William J.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Democratic Steering Committee, To Visit State Educational Institutions, Education, Labor and Industrial Affairs, Mines and Mining, Railroads, State and Municipal Civil Service Reform, Congressional Apportionment, Senatorial Apportionment.

McLaughlin, John J.—Member of Committees on Appropriations, Canal, River Improvement and Commerce (Deep Waterway), County and Township Organization, Democratic Steering Committee, Elections, Municipal Corporations, Live Stock and Dairying, Public Buildings and Grounds, Penal and Reformatory Institutions, Parks and Boulevards, Congressional Apportionment, Senatorial Apportionment.

McNichols, Frank J.—Chairman of Committee on Primary Elections and member of the following committees: Banks and Banking, Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Liberal Committee, Drainage and Waterways, Enrolled and Engrossed Bills, Insurance, Railroads, State and Municipal Civil Service Reform, Senatorial Apportionment.

McParland, Charles—Member of Committees on Building, Loan and Homestead Associations, Chicago Charter, To Visit State Charitable Institutions, Warehouses, Claims, Corporations, Fees and Salaries, Mines and Mining.

Marcy, Roger J.—Chairman of Committee on Miscellaneous Subjects and member of the following committees: Agriculture, Appropriations, Chicago Charter, Corporations, Enrolled and Engrossed Bills, Insurance, Municipal Courts, Penal and Reformatory Institutions, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Congressional Apportionment.

Martin, I. M.—Member of Committees on Appropriations, County and Township Organization, Judicial Apportionment, To Visit State Educational Institutions, Education, Fish and Game, Good Roads, Municipal Corporations, Live Stock and Dairying, Retrenchments.

Mathis, John P.—Chairman of Committee To Visit State Educational Institutions and member of the following committees: Appropriations, Libraries, Judicial Apportionment, State and Municipal Indebtedness, State Institutions, Temperance, Horticulture, Insurance, Revenue.

Miller, A. A.—Member of the Committees on Agriculture, County and Township Organization, Warehouses, Drainage and Waterways, Horticulture, Miscellaneous Subjects, Printing, Primary Elections, Revenue, Roads and Bridges.

Miller, D. B.—Chairman of Committee on Good Roads and member of the following committees: Agriculture, Appropriations, Building, Loan and Homestead Associations, State and Municipal Indebtedness, Warehouses, License, Miscellaneous Subjects, Primary Elections, Retrenchments.

Miller, George A.—Chairman of Committee on Executive Department and member of the following committees: Chicago Charter, Judiciary, Temperance, Elections, Fish and Game, Fees and Salaries, Labor and Industrial Affairs, Municipal Corporations, Penal and Reformatory Institutions, State and Municipal Civil Service Reform.

Mitchell, Benjamin M.—Member of Committees on Banks and Banking, Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Parks and Boulevards, Democratic Steering Committee, Drainage and Waterways, Insurance, Municipal Corporations, Railroads, State and Municipal Civil Service Reform, Congressional Apportionment, Senatorial Apportionment.

Montelius, John A.—Chairman of Committee on Farm Drainage and member of the following committees: Banks and Banking, County and Township Organization, Libraries, Temperance, Contingent Expenses, Corporations, Executive Department, Printing, Primary Elections, Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

Moore, John Robert—Chairman of Committee on Public Buildings and Grounds and member of the following committees: Judiciary, Libraries, Manufactures, Liberal Committee, Corporations, Education, Fish and Game, Labor and Industrial Affairs, Mines and Mining, Public Charities.

Morris, James F.—Member of Committees on Appropriations, State and Municipal Indebtedness, Enrolled and Engrossed Bills, Labor and Industrial Affairs, Mines and Mining, Printing, Penal and Reformatory Institutions, Retrenchments, Senatorial Apportionment.

Murphy, Edward J.—Member of Committees on Parks and Boulevards, Manufactures, Corporations, Finance, Municipal Courts, Live Stock and Dairying, Rights of the Minority, State and County Fairs.

O'Rourke, J. J.—Member of Committees on Manufactures, To Visit Penal and Reformatory Institutions, Warehouses, Municipal Corporations, Revenue, Roads and Bridges, Rights of the Minority, Sanitary Affairs, Senatorial Apportionment.

Ostrom, William—Chairman of Committee on Parks and Boulevards and member of the following committees: Chicago Charter, Joint Rules, Judicial Apportionment, Liberal Committee, State and Municipal Indebtedness, Warehouses, Municipal Corporations, Primary Elections, Railroads, Revenue, Congressional Apportionment.

O'Toole, James J.—Member of Committees on Judiciary, Parks and Boulevards, Democratic Steering Committee, Elections, Judicial Department and Practice, Labor and Industrial Affairs, Municipal Courts, Live Stock and Dairying, Public Buildings and Grounds, Senatorial Apportionment.

Perkins, Edwin C.—Chairman of Committee on Elections and member of the following committees: County and Township Organization, Judiciary, Judicial Apportionment, Republican Steering Committee, Warehouses, Federal Relations, Fees and Salaries, Fraternal and Mutual Insurance, Judicial Department and Practice, Mines and Mining, Congressional Apportionment.

Pervier, Clayton C.—Chairman of Committee on Mines and Mining and member of the following committees: Agriculture, Appropriations, Rules, Temperance, Farm Drainage, Fraternal and Mutual Insurance, Roads and Bridges, State and Municipal Civil Service Reform, Congressional Apportionment.

Piercy, W. Duff—Member of Committees on Agriculture, Libraries, Statutory Revision, State Institutions, Temperance, Federal Relations.

Pierson, Louis—Chairman of Republican Steering Committee and member of the following committees: Banks and Banking, Building, Loan and Homestead Associations, County and Township Organizations, Chicago Charter, Judiciary, Drainage and Waterways, Fish and Game, Judicial Department and Practice, Municipal Courts, Municipal Corporations, Congressional Apportionment.

Pitlock, Joseph—Member of Committees on Building, Loan and Homestead Associations, Warehouses, Corporations, Education, Elections, License, Sanitary Affairs, Drainage and Waterways.

Poorman, Edward F.—Member of Committees on Judicial Apportionment, Temperance, Horticulture, Printing, Primary Elections, Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

Prendergast, Richard—Member of Committees on Judiciary, Judicial Apportionment, State and Municipal Indebtedness, Education, Finance, Municipal Courts, Municipal Corporations, Public Charities, Public Buildings and Grounds.

Provine, Walter M.—Chairman of Committee on Judicial Department and Practice and member of the following committees: Banks and Banking, Judiciary, Military Affairs, Temperance, Education, Elections, Fish and Game, Municipal Courts, Roads and Bridges, State and Municipal Civil Service Reform, Congressional Apportionment.

Rapp, John M.—Member of Committees on Agriculture, Appropriations, Democratic Steering Committee, Temperance, Farm Drainage, Public Charities, Penal and Reformatory Institutions, Revenue, State and Municipal Civil Service Reform, Congressional Apportionment.

Rawleigh, W. T.—Member of Committees on Appropriations, State Geological Survey, Warehouses, Corporations, Elections, License, Miscellaneous Subjects, Municipal Corporations, Public Charities, Revenue.

Reid, Frank R.—Chairman of Committee on Statutory Revision and member of the following committees: Judiciary, State and Municipal Indebtedness, Corporations, Elections, Federal Relations, Good Roads, Insurance, Judicial Department and Practice, Municipal Courts.

Rice, M. P.—Member of Committees on Building, Loan and Homestead Associations, County and Township Organization, Judiciary, State Geological Survey, Temperance, Farm Drainage, Fish and Game, Mines and Mining, State and County Fairs.

Richardson, John C.—Member of Committees on Agriculture, Temperance, Claims, Executive Department, Good Roads, Public Charities, Roads and Bridges.

Rinehart, Walter E.—Member of Committees on Agriculture, Judiciary, Military Affairs, Claims, Executive Department, Public Charities.

Roos, Frederick B.—Chairman of Committee on Fraternal and Mutual Insurance and member of the following committees: Banks and Banking, Judiciary, Manufactures, Liberal Committee, State and Municipal Indebtedness, Drainage and Waterways, Federal Relations, Live Stock and Dairying, Primary Elections, Senatorial Apportionment.

Ryan, Frank J.—Member of Committees on Libraries, To Visit State Educational Institutions, Corporations, Drainage and Waterways, Fraternal and Mutual Insurance, License, Senatorial Apportionment.

Ryberg, Charles J.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Finance, Municipal Corporations, Public Charities, Public Buildings and Grounds, Revenue, Sanitary Affairs, State and Municipal Civil Service Reform.

Scanlan, William M.—Chairman of Committee on Corporations and member of the following committees: Canal, River Improvement and Commerce (Deep Waterway), Judiciary, Parks and Boulevards, Liberal Committee, Federal Relations, Fees and Salaries, Insurance, Labor and Industrial Affairs, Railroads, Revenue, Senatorial Apportionment.

Scott, Charles L.—Member of Committees on Building, Loan and Homestead Associations, Judiciary, Libraries, Judicial Apportionment, Statutory Revision, Temperance, Warehouses, Horticulture, Retrenchments, Congressional Apportionment.

Shanahan, David—Chairman of Committee on Appropriations and member of the Republican Steering Committee, Congressional Apportionment.

Shaver, Harry L.—Chairman of Committee on Printing and member of the following committees: Chicago Charter, Judiciary, Joint Rules, Statutory Revision, Corporations, Judicial Department and Practice, Mines and Mining, Municipal Courts, Public Charities, Senatorial Apportionment.

Shepherd, Frank W.—Chairman of Committee on Live Stock and Dairying and member of the following committees: Banks and Banking, Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Judiciary, Manufactures, Drainage and Waterways, Fish and Game, License, Municipal Corporations, Senatorial Apportionment.

Shurtleff, Edward D.—Member of Committees on Judiciary, Rules, Republican Steering Committee, Live Stock and Dairying, Congressional Apportionment.

Simpson, S. Elmer—Chairman of Committee on State and County Fairs and member of the following committees: Agriculture, Appropriations, Libraries, Military Affairs, To Visit State Educational Institutions, Temperance, Corporations, Elections, Live Stock and Dairying, Roads and Bridges, Senatorial Apportionment.

Smejkal, Edward J.—Chairman of Committee on Canal, River Improvement and Commerce (Deep Waterway) and member of the following committees: Appropriations, Judiciary, Rules, Republican Steering Committee, Liberal Committee, Elections, Judicial Department and Practice, Municipal Corporations, State and Municipal Civil Service Reform, Drainage and Waterways, Congressional Apportionment.

Smiley, Burr B.—Member of Committees on Agriculture, Banks and Banking, Building, Loan and Homestead Associations, Chicago Charter, Judicial Apportionment, State Institutions, Primary Elections, Revenue, State and County Fairs.

Smith, F. G.—Member of Committees on Chicago Charter, Temperance, Education, Enrolled and Engrossed Bills, Insurance, Labor and Industrial Affairs, License, Municipal Corporations, Public Charities, Penal and Reformatory Institutions, State and Municipal Civil Service Reform.

Smith, Peter F.—Member of Committees on Chicago Charter, Democratic Steering Committee, Corporations, Federal Relations, Insurance, Municipal Corporations, Retrenchments, Rights of the Minority, State and County Fairs.

Stedman, W. E.—Member of Committees on County and Township Organization, Joint Rules, To Visit State Educational Institutions, Temperance, Printing, Roads and Bridges, Sanitary Affairs, Soldiers' and Sailors' Home and Soldiers' Orphans' Home.

Stevenson, William—Chairman of Committee on Roads and Bridges and member of the following committees: Banks and Banking, Building, Loan and Homestead Associations, Temperance, Claims, Education, Finance, Fraternal and Mutual Insurance, Horticulture, Mines and Mining.

Stoklasa, Rudolph—Member of Committees on Building, Loan and Homestead Associations, Liberal Committee, Corporations, Drainage and Waterways, Federal Relations, Fees and Salaries, Miscellaneous Subjects, Rights of the Minority.

Strauss, Joseph—Member of Committees on Parks and Boulevards, Democratic Steering Committee, State and Municipal Indebtedness, Municipal Corporations, Live Stock and Dairying, Primary Elections, Senatorial Apportionment.

Sullivan, Daniel J.—Member of Committees on Banks and Banking, Chicago Charter, Manufactures, Military Affairs, Liberal Committee, Contingent Expenses, Labor and Industrial Affairs, Penal and Reformatory Institutions.

Sullivan, Patrick J.—Member of Committees of Building, Loan and Homestead Associations, Chicago Charter, Liberal Committee, State Institutions, Warehouses, Municipal Corporations, Rights of the Minority, Sanitary Affairs.

Swanson, John A.—Member of Committees on Chicago Charter, Judiciary, Elections, Insurance, Judicial Department and Practice, Miscellaneous Subjects, Public Charities, Printing, Congressional Apportionment.

Terrill, Henry—Chairman of Committee to Visit State Charitable Institutions and member of the following committees: Appropriations, County and Township Organization, Judicial Apportionment, Temperance, Elections, Fraternal and Mutual Insurance, License, Mines and Mining, Roads and Bridges, Congressional Apportionment.

Thompson, R. R.—Member of Committees on Agriculture, Libraries, To Visit State Charitable Institutions, Warehouses, Good Roads, Revenue, Roads and Bridges, State and County Fairs.

Tice, Homer J.—Chairman of Committee on Banks and Banking and member of the following committees: Appropriations, Building, Loan and Homestead Associations, Judicial Apportionment, Republican Steering Committee, Temperance, Claims, Corporations, License, Miscellaneous Subjects, Revenue, Roads and Bridges, Congressional Apportionment.

Tourtillott, Albert T.—Member of Committees on Agriculture, Appropriations, County and Township Organization, Manufactures, Military Affairs, Farm Drainage, Good Roads, Public Buildings and Grounds, Penal and Reformatory Institutions, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Senatorial Apportionment.

Trimarco, Tony—Member of Committees on Chicago Charter, Claims, Fees and Salaries, Horticulture, Municipal Courts, Public Buildings and Grounds, Military Affairs, Manufactures.

Tucker, C. J.—Member of Committees on Judiciary, State Institutions, Temperance, Horticulture, Printing, Primary Elections, Revenue, Roads and Bridges.

Vickers, James H.—Chairman of Committee on Retrenchments and member of the following committees: Libraries, Judicial Apportionment, Manufactures, Liberal Committee, State Geological Survey, Corporations, Fees and Salaries, License, Miscellaneous Subjects, Municipal Corporations.

Wall, Patrick J.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Military Affairs, Insurance, Live Stock and Dairying, Primary Elections, Rights of the Minority, Sanitary Affairs.

Walsh, John P.—Member of Committees on State and Municipal Indebtedness, State Institutions, Warehouses, Enrolled and Engrossed Bills, Democratic Steering Committee, Municipal Corporations, Live Stock and Dairying, Senatorial Apportionment.

Watson, James A.—Chairman of Committee on State Geological Survey and member of the following committees: Judiciary, Temperance, Contingent Expenses, Corporations, Elections, Fees and Salaries, Finance, Judicial Department and Practice, License, Penal and Reformatory Institutions, Senatorial Apportionment.

Welborn, George B.—Chairman of Committee on Judicial Apportionment and member of the following committees: Banks and Banking, Appropria-

tions, Libraries, To Visit Penal and Reformatory Institutions, Corporations, Federal Relations, Fish and Game, Horticulture, Congressional Apportionment.

Werdell, John C.—Member of Committees on Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Parks and Boulevards, Democratic Steering Committee, Drainage and Waterways, Education, License, Miscellaneous Subjects, Revenue, State and Municipal Civil Service Reform.

Wheelan, Henry L.—Member of Committees on Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, State Institutions, Fraternal and Mutual Insurance, Insurance, License, Miscellaneous Subjects, Rights of the Minority, Congressional Apportionment.

Whiteaker, Hall—Chairman of Committee on State Institutions and member of the following committees: Drainage and Waterways, Federal Relations, Fraternal and Mutual Insurance, Miscellaneous Subjects, Insurance, Railroads, Roads and Bridges, Senatorial Apportionment.

Wilson, George H.—Chairman of Committee on Temperance and member of the following committees: Judiciary, Parks and Boulevards, Republican Steering Committee, To Visit State Educational Institutions, Corporations, Farm Drainage, Fish and Game, Judicial Department and Practice, Soldiers' and Sailors' Home and Soldiers' Orphans' Home, Congressional Apportionment.

Wilson, Robert E.—Member of Committees on Appropriations, Canal, River Improvement and Commerce (Deep Waterway), Chicago Charter, Democratic Steering Committee, Manufactures, Military Affairs, Elections, Farm Drainage, Fish and Game, Railroads, License, Senatorial Apportionment.

Winthrop, Dempsey—Chairman of Committee on Federal Relations and member of the following committees: Appropriations, Building, Loan and Homestead Associations, Enrolled and Engrossed Bills, Horticulture, Penal and Reformatory Institutions, Railroads, Roads and Bridges.

Wright, William H.—Chairman of Committee on Joint Rules and member of the following committees: Agriculture, Appropriations, Judicial Apportionment, State Institutions, Farm Drainage, Federal Relations, Horticulture, Railroads, State and Municipal Civil Service Reform.

Mr. Speaker—Chairman of Committee on Rules.

HOUSE RULES.

FORTY-SEVENTH GENERAL ASSEMBLY.

MEMBERS.

1. No member shall absent himself from the sessions of the House unless he have leave or be sick, or his absence be unavoidable. A majority of the House shall constitute a quorum, but a smaller number may adjourn from day to day, or for a less time than one day.

2. No member shall name another member present in debate.

3. Rooms 10 and 11 are set apart for smoking rooms during the session of the House. No smoking shall be allowed in the hall, lobbies or galleries.

4. No person shall be allowed to use the Representatives hall for the purpose of a public lecture.

5. No person other than members and officers of the House, members and officers of the Senate, the Governor and State officers and their secretaries, ex-State officers, the Judges of the Supreme Court, members of Congress, and ex-members of Congress, members of the last constitutional convention of the State, ex-members of the General Assembly, and reporters of the press shall be entitled to remain upon the floor of the House without special permission, and then only to the corridor outside the rail and back of the Speaker's stand.

THE SPEAKER.

6. The Speaker shall take the chair every day at precisely the hour to which the House shall have adjourned on the preceding day; shall immediately call the members to order, and, on the appearance of a quorum, shall cause the Journal of the preceding day to be read.

7. He shall preserve decorum and order, and for that purpose the officers and employes of the House shall be under his direction; may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide all questions of order, subject to an appeal to the House by any two members—on which appeal no member shall speak more than once, unless by leave of the House.

8. He shall rise to put a question, but may state it sitting.

9. The Speaker shall examine and correct the Journal before it is read; and the same shall be printed and upon the desks of members before the same can be approved; he shall have general direction of the hall; he shall have the right to name any member to perform the duties of the chair, but such substitution shall not extend beyond five days after adjournment.

10. All acts, addresses and joint resolutions shall be signed by the Speaker; and all writs, warrants and subpoenas issued by order of the House shall be under his hand and seal, and attested by the Clerk.

11. In case of any disturbance or disorderly conduct on the floor of the House, in the lobby or galleries, by the spectators, the Speaker or Chairman of the Committee of the Whole House, shall have power to order the floor of the House, the lobby or galleries to be cleared of spectators, and for that

purpose the officers and employes of the House shall be under the orders and direction of the Speaker or Chairman of the Committee of the Whole House, as the case may be.

ORDER OF BUSINESS.

12. The following shall be the daily order of business of the House:

1. Reading of the Journal.
2. Petitions.
3. Reports from standing committees.
4. Reports from select committees.
5. Messages on the Speaker's desk.
6. Introduction of bills.
7. House bills on first reading.
8. House bills on second reading.
9. House bills on third reading.
10. Senate bills on third reading.
11. Senate bills on second reading.
12. Senate bills on first reading.
13. Senate messages other than bills.
14. Resolutions.

And such order of business shall not be changed except by a two-thirds vote.

It shall, however, be in order, after the reports of standing committees, for a member who has introduced a bill, which has been referred to a committee other than the Appropriations Committee, and which remains there undisposed of, to move that the committee be discharged from the consideration of said bill and that the bill be placed on the House calendar.

Such motion shall require seventy-seven affirmative votes in order to prevail, and may not be renewed more than once as to the same bill.

The same rule shall apply to a Senate bill before a House committee, except that the motion may be made by any member.

COMMITTEES.

13. All committees shall be appointed by the Speaker unless otherwise specially directed by the House.

The following standing committees shall be appointed by the Speaker, with leave to report by bill or otherwise, and to them respectively shall be referred all bills or resolutions pertaining to the subjects indicated by the names of said respective committees, to-wit:

STANDING COMMITTEES OF THE HOUSE.

1. Agriculture—Twenty-five members.
2. Appropriations—Forty-four members.
3. Banks and Banking—Twenty-four members.
4. Building, Loan and Homestead Associations—Twenty-three members.
5. Canal, River Improvement and Commerce—Twenty-three members.
6. Chicago Charter—Thirty-nine members.
7. Claims—Sixteen members.
8. Congressional Apportionment—Thirty-eight members.
9. Contingent Expense—Ten members.
10. Corporations—Thirty-seven members.
11. County and Township Organization—Nineteen members.
12. Drainage and Waterways—Twenty-five members.
13. Education—Twenty-seven members.
14. Elections—Twenty-five members.
15. Enrolled and Engrossed Bills—Seven members.
16. Executive Department—Sixteen members.
17. Farm Drainage—Seventeen members.

18. Federal Relations—Fifteen members.
 19. Fees and Salaries—Seventeen members.
 20. Finance—Fifteen members.
 21. Fish and Game—Twenty-one members.
 22. Fraternal and Mutual Insurance—Fifteen members.
 23. Good Roads—Twenty-three members.
 24. Horticulture—Twenty-one members.
 25. Insurance—Twenty-eight members.
 26. Joint Rules—Four members.
 27. Judiciary—Forty-four members.
 28. Judicial Apportionment—Thirty members.
 29. Judicial Department and Practice—Twenty-seven members.
 30. Labor and Industrial Affairs—Eighteen members.
 31. Liberal—Twenty-four members.
 32. Libraries—Twenty-one members.
 33. License—Twenty-four members.
 34. Live Stock and Dairying—Twenty-one members.
 35. Manufactures—Sixteen members.
 36. Military Affairs—Nineteen members.
 37. Mines and Mining—Twenty-five members.
 38. Miscellaneous Subjects—Sixteen members.
 39. Municipal Corporations—Thirty-four members.
 40. Municipal Courts of Chicago—Seventeen members.
 41. Parks and Boulevards—Twenty-five members.
 42. Penal and Reformatory Institutions—Twenty-three members.
 43. Primary Elections—Twenty-five members.
 44. Printing—Fifteen members.
 45. Public Buildings and Grounds—Sixteen members.
 46. Public Charities—Seventeen members.
 47. Railroads—Twenty-nine members.
 48. Retrenchments—Fifteen members.
 49. Revenue—Twenty-eight members.
 50. Rights of Minority—Nineteen members, with the right to a Clerk in addition to the number allowed by law.
 51. Roads and Bridges—Twenty-five members.
 52. Rules (consisting of the Speaker and eight members)—Nine members.
 53. Sanitary Affairs—Seventeen members.
 54. Senatorial Apportionment—Thirty-eight members.
 55. State and County Fairs—Seventeen members.
 56. State Geological Survey—Fifteen members.
 57. State and Municipal Civil Service Reform—Twenty-three members.
 58. State and Municipal Indebtedness—Seventeen members.
 59. State Institutions—Twenty-two members.
 60. Statutory Revision—Sixteen members.
 61. Soldiers' and Sailors' Home and Soldiers' Orphans' Home—Fourteen members.
 62. Temperance—Forty members.
 63. To Visit the State Charitable Institutions—Eleven members.
 64. To Visit Educational Institutions—Eleven members.
 65. To Visit Penal and Reformatory Institutions—Eleven members.
 66. Warehouses—Twenty members.
14. A majority of any committee shall be a sufficient number to proceed to business.
15. When a resolution shall be offered, or a motion made to refer any subject other than bills, and different committees shall be proposed, the question shall be taken in the following order: The Committee of the Whole House, a Standing Committee or a Select Committee.
16. It shall be the duty of the Committee on Engrossed Bills to examine all engrossed bills, correct any mistakes therein, and report the bills to the House forthwith; and it shall be in order for it to report at any time.

17. When any bill is about to be considered by a committee, the introducer of the bill shall be notified of the time and place where such bill shall be considered by such committee.

BILLS.

18. When the roll shall be called for the first introduction of bills, each member may introduce three bills. And should the call be suspended by adjournment or otherwise, the calling of the roll shall be taken up when that order of business is reached, at the point at which it was discontinued, and this order shall be observed until the roll call shall be alphabetically completed, and no bill shall be introduced after the 2d day of March, 1911, except by one of the standing committees of the House.

19. The Clerk shall indorse on every bill the number thereof, the name of the member introducing it, the date of introduction and the several orders taken thereon; and when printed, said several indorsements shall be printed at the head of the bill.

20. When a bill is introduced it shall be read by its title, ordered printed and referred to the proper committee for consideration. It is hereby made the duty of any member introducing a bill proposing an amendment to any statute law of this State, to underscore the word or words comprising the proposed amendment, and no bill shall be printed until such word or words are underscored. All parts of bills which are underscored shall be printed in italics.

21. The Clerk shall, as soon as any bill is printed, place the same in the postoffice boxes of the members; and printed bills shall be furnished to others than public officers and members of the General Assembly and the press only on the written order of the Speaker, the President and the President *pro tem.* of the Senate, and members of the General Assembly.

22. Amendments to bills may be offered at the conclusion of the second reading, and all amendments to bills, except amendments by striking out, shall be printed when adopted, and shall in like manner be deposited in the postoffice boxes of the members one day before such amended bill shall be read the third time.

23. After the second reading of the bill, and amendments, if any, the Speaker shall state that the bill is ready to be ordered engrossed for a third reading.

24. The vote on the full passage of all bills shall be by yeas and nays, upon each bill separately, and shall be entered upon the Journal; and when a bill shall fail to receive a constitutional majority upon its passage, the Speaker shall declare that the bill has failed to pass.

25. When an emergency is expressed in the preamble or body of an act, as a reason why such act should take effect prior to the first day of July next after its passage, and when such an act contains a clause or proviso fixing such time prior to the first day of July, the question shall be, "Shall the bill pass?" and if decided affirmatively by a vote of two-thirds of the members elected to the House, then the bill shall be deemed passed; and if, upon such vote, a majority of said members elected, but less than two-thirds thereof, vote affirmatively on said question, then the vote on said bill shall be deemed reconsidered, and the bill subject to amendment by striking out such part thereof as expresses an emergency and the time of taking effect, and then said bill shall be under consideration upon its third reading, with the emergency clause and time of taking effect stricken out.

26. Every bill shall be read at large on three different days.

27. When a bill passes it shall be certified by the Clerk, who, at the foot thereof, shall note the day it passes.

REFERENCES.

28. Appropriation bills which contain provisions relating to nothing else than the appropriation, and apportionment bills which contain provisions relating to nothing else than the apportionment, shall be in order in prefer-

ence to any other bills unless otherwise ordered. All bills for appropriations of money from the State treasury, or providing for the expenditure of money, when referred to other committees and by them reported back to the House with favorable recommendations, shall be referred to the Committee on Appropriations for its consideration before being finally acted upon by the House.

29. All questions relating to the priority of business to be acted on, not otherwise provided for in these rules, shall be decided by the Speaker without debate.

RECONSIDERATION.

30. When a question has been once made and carried in the affirmative or negative, it shall be in order for a member of the majority to move for a reconsideration thereof, or give notice that he will make such motion within the time prescribed by this rule, for which time he shall control the motion. But no motion for the reconsideration of any vote shall be in order after a bill, resolution, message, report, amendment or motion, upon which the vote was taken, shall have gone out of the possession of the House; nor shall any motion for reconsideration be in order unless within the next day of actual session of the House: *Provided*, that should the member giving notice of a motion to reconsider, not make such motion within the time prescribed by the rule, any other member voting with the majority may make such motion within the next succeeding legislative day. Such motion shall take precedence of all other questions, except a motion to adjourn: *And, provided, further*, that when a bill has passed the House it shall require a constitutional majority to reconsider the vote by which the same was passed: *And, provided, also*, when a motion to reconsider the vote by which a bill is passed, is made, or a notice is given that such motion will be made within three days of the last legislative day of the session, it will then be in order for any member to move that such motion or notice of motion may be taken up and disposed of.

PRACTICE.

31. The yeas and nays shall be taken on any question upon the demand of five members.

32. Upon the call of the House for the yeas and nays on any question, the names of the members shall be called in alphabetical order.

33. A motion to strike out the enacting words of a bill shall have the precedence of a motion to amend, and, if carried, shall be considered equivalent to its rejection.

34. No person shall visit or remain at the Clerk's table while the yeas and nays are being called, and in the performance of their duties, all clerks of the House shall be under the supervision and control of the Speaker.

35. A motion for commitment, until it shall be decided, shall preclude all amendments to the main question.

36. A motion to lay any particular proposition on the table shall apply to that particular proposition only.

37. No motion or proposition on a subject different from that under consideration shall be admitted under color of an amendment.

38. Every motion shall be reduced to writing, if the Speaker or any member desires it.

39. When a motion is made, it shall be stated by the Speaker, or if it be in writing, it shall be read aloud by the Clerk before debate thereon.

40. After a motion is stated by the Speaker, or read by the Clerk, it shall be considered in possession of the House, but may be withdrawn at any time before decision or amendment, by leave of the House.

41. Any member may call for a division of the question, when divisible, but a motion to strike out and insert shall be indivisible.

42. Whenever any member is about to speak in debate, or deliver any matter to the House, he shall rise and respectfully address himself to "Mr.

Speaker," and confine himself to the question under debate, and avoid personality; and no motion shall be considered in order unless made from the seat occupied by the member.

43. When two or more members arise at once, the Speaker shall name the member who is to speak first.

44. All questions, except as provided in rules 45 and 51, whether in the Committee of the Whole or in the House, shall be disposed of in the order in which they are moved, except that in filling up blanks the largest sum and the most remote day shall be the first put.

45. The rules of the House shall be observed in all committees as far as may be applicable.

46. When the committee reports a substitute for an original bill, with the recommendation that the substitute pass, it shall be in order to read the substitute a first time at once and order it printed.

47. Petitions, memorials and other papers addressed to the House may be presented by any member, who shall state briefly to the House the contents thereof, which may be received, read and referred on the same day.

48. No member shall speak longer than thirty minutes at one time, nor more than once on the same question, except by leave of the House; but the member who introduces a measure shall, in all cases, have the right to close the debate, and this right shall not be denied him even after the previous question has been ordered, although he may have spoken once on the same subject, provided the member so speaking shall not be allowed more time in all than is permitted by the rules of the House to other members.

49. While the Speaker is putting a question or addressing the House, or when a member is speaking, no person shall walk out of or across the room, or pass between the member speaking and the Chair, or entertain private discourse.

50. If any member, in speaking or otherwise, transgresses the rules of the House, the Speaker shall, or any member may, call him to order.

51. When a question is under debate, no motion shall be received but—
To fix the time to which adjourn.

To adjourn.

A call of the House.

To lay on the table.

The previous question.

To commit.

To postpone to a day certain.

To postpone to a day indefinitely.

Which several motions shall have precedence in the order in which they are named; and no motion—

To postpone to a day certain.

To commit, or

To postpone indefinitely,

Being decided, shall be again allowed on the same day, or at the same stage of the bill or proposition.

52. The rules of parliamentary practice comprised in Cushing's Parliamentary Rules and Practice, shall govern the House in all cases in which they are applicable and in which they are not inconsistent with the standing rules and orders of the House, or the joint rules of the Senate and House of Representatives.

53. If a question be lost by adjournment of the House, and revived on the succeeding day, no member who has spoken on the preceding day shall be permitted to speak again on the same question without leave.

54. Any five members shall have the liberty to dissent from and protest, in respectful language, against any act or resolution which they shall think injurious to the public or any individual, and have the reasons of their dissent entered upon the Journal.

55. Questions shall be distinctly put in this form, viz: "As many as are of the opinion that" (as the case may be) "say 'Aye,' " and, after the affirm-

ative vote is expressed, "As many as are of the contrary opinion say 'No.'" If the Speaker doubt, or if a division is called for, the House shall divide; those in the affirmative shall first arise from their seats, and afterwards those in the negative.

COMMITTEE OF THE WHOLE HOUSE.

56. In forming a Committee of the Whole House, the Speaker shall leave his chair, and a chairman to preside in the committee shall be appointed by the Speaker.

ADJOURNMENT.

57. The hour at which every motion to adjourn is made shall be entered on the Journal.

Ten o'clock in the morning shall be the standing hour to which the House shall adjourn unless otherwise ordered by a majority vote.

58. A motion to adjourn shall be decided without debate and not be subject to amendment.

DISPENSING WITH, RESCINDING OR CHANGING RULES.

59. No rule shall be dispensed with unless by the concurrence of two-thirds of the members present; nor shall any rule be rescinded or changed without one day's notice being given of the motion thereof; but a new rule, not in conflict with existing rules, may be added, after such notice, by a two-thirds vote of the members-elect, except when such new rule is reported by the Committee on Rules, and in that case such new rule may be adopted by a majority vote.

PREVIOUS QUESTION.

60. The previous question shall be put in this form: "Shall the main question be now put?" and until it is decided shall preclude all amendments or debate. When it is decided that the main question shall not now be put, the main question shall be considered as still remaining under debate.

The effect of the main question's being ordered shall be to put an end to all debate, and bring the House to a direct vote, first, upon all amendments reported or pending in the inverse order in which they are offered. After the motion for the previous question has prevailed, it shall not be in order to move for a call of the House unless it shall appear by yeas and nays, as taken on the main question, that no quorum is present; or to move to adjourn prior to a decision of the main question: *Provided*, if a motion to postpone is pending the only effect of the previous question shall be to bring the House to a vote upon such motion.

61. All resolutions or petitions calling for the appointment of committees, or involving the expenditure of money, and all orders in reference to the appointed employés, or the increase of compensation of employés, of expenditure of moneys for incidental expenses of the session shall be referred to the Appropriation Committee without debate.

Joint Rules of the Senate and House of Representatives of the Forty-Seventh General Assembly.

1. When a message shall be sent from the Senate to the House of Representatives, it shall be announced at the door of the House by the Doorkeeper, and shall be respectfully communicated to the Chair by the person by whom it may be sent.

2. The same ceremony shall be observed when messages shall be sent from the House of Representatives to the Senate.

3. Messages shall be sent by such persons as a sense of property in each house may determine to be proper.

4. In every case of disagreement between the two houses, if either house request a conference, and appoint a committee for that purpose, the other house shall appoint a committee to confer therewith upon the subject of their disagreement. Said committee shall meet at a convenient time to be agreed upon by their chairman, and, having conferred freely, each shall report to its respective house the result of their conference. In case of an agreement the report shall be first made, with the papers referred accompanying it, to the disagreeing house, and there acted upon; and such action shall be immediately reported by the Clerk to the other house, the papers referred accompanying the message. In case of disagreement, the papers shall remain with the house which referred them. The agreeing report of a conference committee shall be made, read and signed in duplicate by all members of the committee, or by a majority of those of each house, one of the duplicates being retained by the committee of each house. Should either house disagree to the report of the committee, such house shall appoint a second committee and request a second conference, which shall be acceded to by the other house before adhering. The motion for a committee of conference, and the report of such committee, shall be in order at any time. When both houses shall have adhered to their disagreement, a bill or resolution is lost.

5. While bills are on their passage between the two houses they shall be accompanied by a message signed by the Secretary or Clerk (as the case may be) respectively.

6. After a bill has passed both houses, it shall be enrolled before it is presented to the Governor.

7. When bills are enrolled, they shall be examined by a joint committee, which shall consist of five members, two from the Senate and three from the House, to be appointed by the Senate and the Speaker of the House respectively. The clerk of the Committee on Engrossed and Enrolled Bills of the respective houses shall act as clerk of the committee whenever their services are required. Said committee shall carefully compare the enrolled bills with the engrossed bills, so passed by both houses, correct any errors which may be discovered in the enrolled bills, and make their report forthwith to their respective houses; the Secretary or Clerk having previously certified on the margin of the roll in which house it originated.

8. After examination and report, each bill shall be signed in the respective houses, first by the Speaker of the House of Representatives and then by the President of the Senate.

9. After a bill shall have been signed by the President of the Senate and Speaker of the House of Representatives, it shall be presented by said Joint Committee to the Governor for his approval. The said committee shall report the day of presentation to the Governor to each house, which time shall be carefully entered on the journals of each house.

10. All resolutions and memorials which are to be presented to the Governor shall be previously enrolled, examined, signed and presented to the Joint Committee, reported, and entry made thereof, as provided in case of bills.

11. When a bill or resolution which shall have passed one house is rejected in the other, information thereof shall be given to the house in which the same shall have passed.

12. When the consideration of any bill, memorial, or resolution, which has originated in one house shall be postponed in the other to a day so distant that it shall not be taken up again by the present session, the house in which such bill, memorial or resolution shall have originated shall be forthwith informed of such postponement.

13. When a bill, memorial or resolution which has passed one house is rejected in the other, it shall not again be introduced during the same session, except in the house so rejecting, and after three days' notice and leave of that house.

14. Each house shall transmit to the other all papers on which any bill or resolution shall be founded.

15. While the two houses are acting together upon elections, or on any other matter, the Speaker shall preside, and all questions of order shall be decided by him, subject to an appeal to both houses, as though but one body was in session. A call of members of either house may be had in joint meeting by order of the house in which the call is desired, and to constitute a quorum of the joint assembly, a majority of all the members elected to both houses shall be present and voting.

16. Motions to postpone or adjourn shall be decided by a joint vote of both houses, and yeas and nays upon such motions, if required shall be entered upon the journals of both houses.

17. Upon questions arising requiring the separate decision of either house, the Senate shall withdraw until the decision is made. *Provided*, that questions upon motions for a call of either house shall not come within the provisions of this rule.

18. Each house shall have the liberty of ordering the printing of bills, messages and reports without the consent of the other.

19. Whenever any message, bill, report or document shall be ordered to be printed by the Senate or House, for the use of both houses, it shall be the duty of the Secretary of the Senate or Clerk of the House (as the case may be) immediately to report the fact of the passage of such order to the other branch of the General Assembly, together with the number so ordered to be printed in case the same shall exceed 300.

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House Synopsis.

FORTY-SEVENTH GENERAL ASSEMBLY.

HOUSE BILLS.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
1	Jan. 17	ApMadoc.....	An Act providing for a system of probation for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment	A law.....
2	Jan. 17	Campbell.....	An Act to amend section 89 of an Act entitled, "An Act to extend the jurisdiction of County Courts and to provide for the practice thereof, to fix a time for holding the same and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, in force July 1, 1879.....	Tabled March 7
3	Jan. 17	Covey.....	An Act to amend sections 152 and 164 of an Act entitled, "An Act to establish and maintain a system of free schools," approved June 12, 1909, in force July 1, 1909	Tabled March 9
4	Jan. 17	Gilbert.....	An Act to revise the law in relation to the Municipal Court of Chicago	Tabled April 13.....
5	Jan. 17	Gilbert.....	An Act in relation to courts,	Tabled May 12
6	Jan. 17	Gorman	An Act to amend section seven (7) of an Act entitled, "An Act to provide for the operation of pleasure driveway and park districts," approved June 19, 1893, in force July 1, 1893, as amended by an Act approved June 17, 1895, in force July 1, 1895.....	Tabled May 12
7	Jan. 17	Kerrick	An Act to make appropriations for the ordinary and other expenses of the Illinois State Reformatory at Pontiac.	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
8	Jan. 17	McNichols ...	An Act making an appropriation of twenty-five thousand dollars (\$25,000) for the relief of the widows and orphans of the firemen killed in the stock yards fire on December 22d, 1910.	Tabled May 12
9	Jan. 17	Martin	An Act conferring upon the Board of Administration of the State of Illinois the power to condemn and take real estate therein named.....	A law.
10	Jan. 17	Morris	An Act to regulate the number of men to be employed in the business of operating engines, engaged in switching cars and to prescribe the qualifications of such men.....	Tabled May 11
11	Jan. 17	Morris	An Act to provide for the liability of employers for injuries to their employees	Tabled May 12
12	Jan. 17	Pervier.....	AAct to amend an act entitled "An Act to regulate civil service of the State of Illinois, approved May 11, 1905, in force July 1, 1905, as amended by an Act approved April 19, 1907, in force July 1, 1907, and as further amended by an Act approved May 25, 1907, in force July 1, 1907, by adding five new sections to be known as sections 1a, 3a, 3b, 10a, and 18a, and by amending sections 2, 3, 4, 5, 6, 9, 10, 11, 12 and 14 thereof."	Tabled May 4
13	Jan. 17	Rapp.....	An Act to provide for a State Banking Board to create a depositors guarantee fund to provide for the collection and disbursement of the same and to repeal any Acts or parts of Acts inconsistent herewith.....	Tabled March 16.
14	Jan. 17	Ryan.....	An Act to amend section 2, of article 7, of an act entitled "An Act to regulate the holding of elections and declaring the result thereof in cities, villages or incorporated towns in this state," approved June 19, 1885, and as amended by an Act approved and in force July 1, 1907, and as amended by an act approved May 11, 1901	Tabled April 12
15	Jan. 17	Shanahan.... (by request)	An Act making an appropriation to meet a deficiency in the appropriation to the Board of Commissioners of State Contract for the purpose of printing paper and stationery.....	A law.....
16	Jan. 17	Shanahan.... (by request)	An Act to provide for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.....	A law.

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
17	Jan. 17	Shanahan..... (by request)	An Act to provide for the purchase of pea jackets, dress and service uniforms and other equipment for the Illinois National Guard and Illinois Naval Reserve	A law.....
18	Jan. 17	Shanahan..... (by request)	An Act making appropriations for the State Charitable institutions herein named.	Tabled May 2
19	Jan. 17	Shanahan..... (by request)	An Act making appropriations for the ordinary and other expenses of the State Charitable institutions herein named.....	Tabled May 2
20	Jan. 17	Shurtleff.....	An Act to make an appropriation providing for the balance of the salary of the late Robert W. Wright, deceased, late Circuit Judge of the 17th Judicial Circuit of the State of Illinois.....	A law.....
21	Jan. 17	Shurtleff.....	An Act in relation to the killing or trapping of fur-bearing animals.....	Tabled May 12
22	Jan. 17	Shurtleff.....	An Act to regulate the catching of white fish, trout, herring, chubs, long jaws, black fins, and perch in all the waters under the jurisdiction of the State of Illinois, fixing the amount of resident and non-resident licenses, defining non-residence under this Act, providing penalties for the violation of the provisions hereof and repealing all acts and parts of acts contravening the provisions of this Act.....	Tabled May 12
23	Jan. 17	Terrill	An Act making an appropriation for the construction and equipment of a woman's building for the Western Illinois State Normal School at Macomb.	Tabled May 12
24	Jan. 17	Terrill	An Act to define and punish the rescue of or the aiding to escape of a ward of the State from certain State institutions named therein.....	Tabled March 15.
25	Jan. 17	G. H. Wilson.	An Act to make an appropriation to build an armory in the City of Quincy.	Tabled April 21
26	Jan. 18	Chiperfield.... (by request)	An Act to amend section 40 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by an Act approved March 28, 1874, in force July 1, 1874, as amended by an act approved and in force May 17, 1877, as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
27	Jan. 18	Dudgeon	An Act to amend section 3 of an Act entitled, "An Act to provide for the visitation of children in family homes," approved May 13, 1905, in force July 1, 1905, as amended by an Act approved May 25, 1907, in force July 1, 1907.....	A law.....
28	Jan. 18	Hagan	An Act to amend sections one (1), two (2), and three (3) of an Act entitled, "An Act to secure the enforcement of the law for the prevention of cruelty to animals," approved May 25, 1877, in force July 1, 1877, as amended by Act approved June 30, 1885, in force July 1, 1885, and as amended by Act approved May 11, 1905, in force July 1, 1905, and to add another section to said Act, to be known as section five (5) thereof.....	Tabled May 11
29	Jan. 18	McParland....	An Act to amend the law of the liability of employers for injuries to their employees.....	Tabled May 12
30	Jan. 18	Morris.....	An Act regulating the liability of employers for injuries to their employees.	Tabled May 12.....
31	Jan. 18	Morris.....	An Act to amend section two of an Act to amend an Act entitled, "An Act providing that operators of mines shall furnish shot fires in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905, as amended by an Act approved May 20, 1907, in force July 1, 1907.....	Tabled March 29
32	Jan. 18	Reid.....	An Act providing for convict labor on public highways.....	Tabled May 12
33	Jan. 18	Scanlan	An Act to amend section sixty-three (63) of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by act approved May 31, 1879, in force July 1, 1879.....	Vetoed.....
34	Jan. 18	G. H. Wilson, (by request)	An Act defining and regulating express companies operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission, applying also to other common carriers and for other purposes..	Tabled May 12
35	Jan. 24	Alschuler.....	An Act to regulate the elevation of tracks of railroad corporations at grade crossings in cities and villages.....	Tabled April 13

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
36	Jan. 24	ApMadoc	An Act to provide for the setting apart, formation, administration and disbursement of a police pension fund by certain boards of park commissioners.	Tabled May 12
37	Jan. 24	Atwood	An Act to amend section 44 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 28, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by Act approved June 27, 1885, in force July 1, 1885.....	Tabled May 12
38	Jan. 24	Burns	An Act to amend "An Act to authorize cities and villages to convey any real or personal property, or their right and title therein, when the same shall be no longer necessary for or profitable to, or its longer retention for the best interests of such city or village," approved March 22, 1899.....	Tabled May 4
39	Jan. 24	Burns	An Act to amend section 23 of an Act entitled, "An Act to revise the law in relation to mechanics' liens, to whom, what for, and when lien is given; who is a contractor, area covered by and extent of lien; when the lien attaches," approved May 18, 1903.....	Tabled May 10
40	Jan. 24	Catlin	An Act authorizing the commissioners of Lincoln park to issue bonds, and providing for the payment thereof.....	Tabled May 12
41	Jan. 24	Covey.....	An Act providing for the loaning of text books free of charge to the school children in the public schools of the State of Illinois.....	Tabled May 12
42	Jan. 24	Dennis.....	An Act to amend section one (1) of "An Act to require officers having in their custody public funds to provide and publish an annual statement of the receipts and disbursements of such funds," approved May 30, 1881, in force July 1, 1881.....	A law.....
43	Jan. 24	Dennis.....	An Act to amend paragraph "A" of section forty-two (42) of an Act to amend an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereto by adding thereto article XIII, approved March 9, 1910, in force July 1, 1910.....	Tabled May 2
44	Jan. 24	Gilbert.....	An Act in relation to the crime of larceny.....	Tabled March 21

House Synopsis--Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
45	Jan. 24	Holaday	An Act to amend sections 5 and 6 of article 7 of an Act entitled, "An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885; as amended by an Act approved July 17, 1895, in force July 1, 1895; as amended by an Act approved July 9, 1897, in force July 1, 1897; as amended by an Act approved July 24, 1899, in force July 1, 1899; as amended by an Act approved May 11, 1901, in force July 1, 1901; as amended by an Act approved May 25, 1907, in force July 1, 1907; as amended by an Act approved July 10, 1909, in force July 1, 1909.....	A law.....
46	Jan. 24	Hruby	An Act to require the Illinois Central Railway Company to comply with an Act entitled, "An Act to incorporate the Illinois Central Railroad Company," approved February 10, 1851, in relation to the sale of lands held in trust by said company, as provided in section 17 of said Act and others, that said land may become taxable and bear its proper proportion of taxation. Tabled May 12	
47	Jan. 24	Hull	An Act to amend sections 3, 4, 6, 11 and 14 of an Act entitled, "An act to regulate the civil service of the State of Illinois," approved May 11, 1905, in force November 1, 1905; as amended by an Act approved April 13, 1907, in force July 1, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907, and be added an additional section thereto, being known as section 3 (a).....	A law.....
48	Jan. 24	Ireland.....	An Act to amend section fourteen of an Act entitled, "An act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by Act approved March 25, 1907, in force July 1, 1907.....	Tabled May 12
49	Jan. 24	Martin.....	An Act to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles	Tabled May 12
5	Jan. 24	Mitchell	An Act to amend section 3 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by an Act approved May 11, 1901, in force July 1, 1901; as amended by an Act approved and in force May 16, 1903.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
51	Jan. 24	Pervier.....	An Act to amend section 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872.....	A law.....
52	Jan. 24	Ryan..... (by request)	An Act to provide, in counties of the third class, for the licensing of court reporters, and to regulate the practice of court reporting.....	Tabled May 12
53	Jan. 24	Scanlan	An Act to amend sections eight (8) and ten (10) of an Act entitled, "An Act requiring reports of births and deaths, and the recording of the same, and prescribing a penalty for the non-compliance with the provisions thereof, and repealing certain Acts therein named," approved May 6, 1903, in force July 1, 1903.....	A law.....
54	Jan. 24	Shepherd	An Act amending "An Act in relation to fencing and operating railroads," approved March 31, 1874, in force July 1, 1874.....	Tabled May 11
55	Jan. 24	Shepherd	An Act to prohibit the establishing and enforcing the tuberculin test for dairy animals by any city, village, incorporated town, county or other corporate authority in the State of Illinois.....	A law.....
56	Jan. 24	Shepherd	An Act to amend an Act entitled, "An Act to amend an Act entitled 'An Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals,' approved June 27, 1885, in force July 1, 1885," approved and in force April 20, 1887.....	Tabled March 23
57	Jan. 24	Shurtleff.....	An Act to make an appropriation to provide for the establishment, erection and maintenance of a sanitarium or sanitariums for the care and cure of persons suffering from tuberculosis..	Passed House May 16....
58	Jan. 24	Shurtleff.....	An Act to provide compensation of attorneys appointed by court to defend persons charged with crime, when such persons shall be destitute of means to procure counsel.....	Passed House May 5.....
59	Jan. 24	Swanson.....	An Act in relation to the abandonment of wives and children.....	Tabled May 12
60	Jan. 24	Tice..... (by request)	An Act granting women the right to vote for certain offices and to participate and vote in certain matters and elections.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
61	Jan. 24	Vickers	An Act to make an appropriation to build an armory in the city of Woodstock	Tabled April 21
62	Jan. 24	G. H. Wilson.	An Act to amend section 3 of an Act entitled, "An Act to require drainage districts lying above a lower drainage district or emptying into a lower drainage district, whethersuch districts be organized under the same or different drainage laws of this State, to pay to the lower drainage district, for benefits received, if any, by the lands of the upper district, by the enlarging or improving of the ditches or drains of the lower districts, or the construction of an outlet or outlets for the ditches or drains of the lower district, within or outside the boundaries of said lower district, and to provide for the collection and payment of such benefits," approved May 14, 1903, in force July 1, 1903.....	Tabled April 28
63	Jan. 24	McLaughlin..	An Act to provide for the expenses of the voyage of the torpedo boat from Charleston, S. C., to Chicago, Illinois	Tabled April 13
64	Jan. 25	Alexander....	An Act to provide a way by which the people of a township may consolidate the school districts of the township into one school district.....	Tabled May 12
65	Jan. 25	Campbell.....	An Act to make an appropriation to construct an armory in the City of Moline, Rock Island County, Illinois.	Tabled April 13
66	Jan. 25	Covey	An Act to amend section 2 of an Act entitled, "An Act to provide for the permanent survey of lands," approved May 10, 1901, in force July 1, 1901..	A law.....
67	Jan. 25	Flagg.....	An Act to amend section one (1) of an Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois, approved December 6, 1907, in force July 1, 1908, as amended by an Act approved and in force February 8, 1909.....	Tabled March 15.....
68	Jan. 25	Karch.....	An Act in regard to electors and primary elections, regulating and controlling the expenditures of candidates for office; and in regard to contributions for political parties and for political purposes, and the publication thereof; to define, prevent, and punish corrupt and illegal practices in nominations and elections, to secure and protect the purity of the ballot; to provide for furnishing information to the electors, and to provide the manner of conducting contests for nominations and elections in certain cases	Tabled April 21

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
69	Jan. 25	King	An Act to make an appropriation to build an armory in the City of Galesburg.....	Tabled April 13
70	Jan. 25	Lyon.....	An Act concerning dram shop licenses.	Tabled May 12
71	Jan. 25	Lyon.....	An Act to amend section one of an Act entitled, "An Act to revise the law in relation to Quo Warranto," approved March 23, 1874, in force July 1, 1874, as said section was amended by an Act entitled, "An Act to amend section one (1) of an Act entitled, 'An Act to revise the law in relation to Quo Warranto,'" approved March 23, 1874, in force July 1, 1874, approved May 27, 1881, in force July 1, 1881.....	Tabled March 10.....
72	Jan. 25	McLaughlin..	An Act making an appropriation for the purpose of making miscellaneous repairs and for expense of correcting defects in the electric wiring system of the Armory of the First Infantry Illinois National Guard.....	A law.....
73	Jan. 25	Pierson	An Act to provide for the creation of public recreation districts.....	Tabled April 21
74	Jan. 25	Rawleigh.....	An Act giving the Railroad and Warehouse Commission of the State of Illinois jurisdiction over public utilities, and providing for the regulation of such public utilities by such commission, and repealing all acts or parts of acts in conflict with the provisions thereof	Tabled May 11
75	Jan. 25	Reid	An Act in relation to procedure in criminal cases.....	Tabled May 12
76	Jan. 25	Reid (by request)	An Act providing for a system of probation for adults and authorizing courts to suspend the execution of sentence in certain cases, and for the appointment and compensation of probation officers	Tabled March 8
77	Jan. 25	Reid	An Act providing for the establishment of a State Probation Commission.....	Tabled March 15.....
78	Jan. 25	Smiley.....	An Act for an appropriation for ordinary expenses of the Northern Illinois State Normal School, DeKalb.....	Tabled May 12
79	Jan. 25	Terrill	An Act making appropriations for the Western Illinois State Normal School.	Tabled May 12
80	Jan. 25	Tourtillott....	An Act for appropriations for the Northern Illinois State Normal, DeKalb....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
81	Jan. 25	Wright.....	An Act authorizing the Governor to appoint three engineers to make inquiry into the feasibility of installing and maintaining a pipe line from Lake Michigan to the City of Springfield to supply pure water to the citizens of this state for domestic and municipal purposes.....	Tabled April 6.....
82	Jan. 31	Anderson, J.E	An Act to empower cities, villages and incorporated towns to provide for the deposit and disposition of corporate funds.....	A law.....
83	Jan. 31	Anderson, J E	An Act to enable cities, towns and villages organized under any general or special law to regulate, license and control wagons and other vehicles....	Tabled May 2
84	Jan. 31	ApMadoc..... (by request)	An Act to amend sections 29, 31 and 32 of an Act entitled, "An Act concerning corporations, approved April 18, 1872, and in force July 1, 1872, as amended by an Act approved June 4, 1889, and in force July 1, 1889, entitled, 'An Act to amend sections 31 and 32 of an Act entitled, An Act concerning corporations,'" approved April 18, 1872, and in force July 1, 1872, and all acts amendatory thereof.....	Tabled May 12
85	Jan. 31	Campbell.....	An Act to amend section one (1) of an Act entitled, "An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks, approved May 13, 1907, in force July 1 1907.....	Tabled May 12
86	Jan. 31	Carter.....	An Act to regulate the rate of excess baggage	Tabled March 15
87	Jan. 31	Collier.....	An Act to amend section six of Article four of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by Act approved and in force July 1, 1883....	Tabled May 11
88	Jan. 31	Covey	An Act to authorize cities and villages whose limits are coterminous with the limits of any township to levy, upon the aggregate valuation, of all property within such city or village as now prescribed by law.....	Tabled March 22
89	Jan. 31	Dennis.....	An Act to amend section 83 of an Act in regard to elections and to provide for filling vacancies in elective offices, approved April 3, 1872, in force July 1, 1872, as amended by an Act approved June 17, 1887, in force July 1, 1887.....	Tabled May 11
90	Jan. 31	Etherton.....	An Act to make an appropriation for the ordinary expenses of the Southern Illinois Normal University, at Carbondale, Illinois	Tabled May 12.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
91	Jan. 31	Etherton.....	An Act to make an appropriation to construct and furnish a woman's building and gymnasium and to provide for needed repairs, equipment and furnishings at the Southern Illinois Normal University, at Carbondale, Illinois	Tabled May 12
92	Jan. 31	Gilbert.....	An Act to amend an Act entitled, "An Act to revise the law in relation to the rate of interest and to repeal certain Acts therein named," approved May 24, 1879, as amended by an Act approved June 17, 1891	Tabled, Feb. 14
93	Jan. 31	Hagan	An Act to enable Boards of Education in cities having a population exceeding 100,000 inhabitants to establish and maintain classes and schools for dependent, neglected and delinquent children, and making appropriations for the payment of the excess cost of maintaining and operating the said classes and schools over the cost of maintaining and operating elementary schools for normal children.....	Tabled March 8
94	Jan. 31	Hagan	An Act to enable boards of education in cities having a population exceeding 100,000 inhabitants, to establish and maintain classes and schools for deaf, dumb, crippled, blind, truant, sub-normal, convalescent and incipient invalid children, and making appropriations for the payment of the excess cost of maintaining and operating the said classes and schools over the cost of maintaining and operating elementary schools for normal children	Tabled March 8
95	Jan. 31	Hamilton..... (by request)	An Act to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this act	Tabled April 21.....
96	Jan. 31	Hull	An Act to regulate the civil service of counties	A law.....
97	Jan. 31	Hull	An Act to amend sections 2, 3, 4 and 6 of An Act entitled, "An Act to provide for the creation of art commissions in cities and to define their powers," approved April 24, 1899 in force July 1, 1899	Passed House May 12....
98	Jan. 31	Judah.....	An Act to amend section 1 of an Act entitled, "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by Act approved April 19, 1879, in force July 1, 1879	Tabled April 26

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
99	Jan. 31	Kerrick	An Act making an appropriation for the Illinois State Bee-Keepers' Association	A law
100	Jan. 31	Kerrick	An Act providing for the appointment of a State Inspector of Apiaries and prescribing his powers and duties.....	Tabled April 13
101	Jan. 31	Lewis....	An Act to establish and maintain a home for the widows, orphans and other dependants of persons losing their lives in mines, factories, mills, workshops, on railways, and in other hazardous employment of this State, and making an appropriation therefor.....	Tabled April 13
102	Jan. 31	Lyon	An Act to amend section thirty-one of "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and amendments thereto.....	Tabled May 12
103	Jan. 31	Perkins	An Act to amend section twenty-eight of an Act entitled, "An Act to extend the jurisdiction of County Courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, and in force July 1, 1874, and as amended by an Act approved May 13, 1879, and in force July 1, 1879	Passed House March 15..
104	Jan. 31	Roos	An Act providing for the creation of additional branch Appellate Courts....	A law.....
105	Jan. 31	Ryan	An Act to amend section fifty (50) of Article IX of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by subsequent acts.....	Tabled May 11
106	Jan. 31	Scanlan.....	An Act to amend section 33 of an Act entitled, "An Act to revise the law in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Act approved May 17, 1907, in force July 1, 1907	Tabled May 12
107	Jan. 31	Scanlan.....	An Act amending section one (1) of an Act entitled, "An Act requiring cities, villages and incorporated towns to submit certain ordinances, authorizing the issue of bonds, except to refund any existing bonded indebtedness, to the voters of any such city, village or incorporated town," approved June 4, 1909, in force July 1, 1909.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
108	Jan. 31	Sullivan, D. J.	An Act in relation to the crime of conspiracy.....	Tabled May 10
109	Jan. 31	Sullivan, D. J.	An Act to amend an Act entitled, "An Act to secure to all persons freedom in the selection of an occupation, profession or employment," approved March 22, 1872.....	Passed House April 27...
110	Jan. 31	Wright.....	An Act to make an appropriation for extraordinary expenses of the Illinois State Normal University	Tabled May 10
111	Jan. 31	Wright.....	An Act to make an appropriation to erect and complete a building for the training school of the Illinois State Normal University	Tabled May 12.....
112	Jan. 31	Wright.....	An Act to make an appropriation for the ordinary expenses of the Illinois State Normal University.....	Tabled May 9
113	Feb. 1	Abbott.....	An Act making an appropriation to provide for a deficiency in the equipment of the State Biological Laboratory....	Tabled March 8.....
114	Feb. 1	Burns.....	An Act to make uniform the law of sales of goods.....	Tabled May 10
115	Feb. 1	Carter.....	An Act to amend section 122 of an act to establish and maintain a system of free schools, approved June 12, 1909, in force July 1, 1909.....	Tabled May 12
116	Feb. 1	Chiperfield...	An Act making an appropriation to Jessie Scott for the unpaid salary of Guy C. Scott, late Justice of the Supreme Court of Illinois.....	A law.....
117	Feb. 1	Church.....	An Act to amend an Act entitled, "An Act to provide for the licensing of architects and regulating the practice of architecture as a profession," approved June 3, 1897, and in force July 1, 1897, as amended by an Act approved April 19, 1899, in force July 1, 1899, and as amended by an Act approved May 16, 1905, in force July 1, 1905.....	Tabled May 12
118	Feb. 1	English.....	An Act to amend section 31 of an Act entitled, "An Act to revise the law in relation to landlords and tenants," approved May 1, 1873, in force July 1, 1873.....	Tabled, Feb. 14
119	Feb. 1	Fahy.....	An Act to protect property of municipalities or of companies and corporations engaged in supplying water, light, gas or electricity to the inhabitants of this State, and providing a penalty for any violation or such act..	Tabled May 4.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
120	Feb. 1	Flagg	An Act to amend section fifty-one (51) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874	Tabled March 9
121	Feb. 1	Hagan	An Act to regulate the practice of optometry in the State of Illinois	Tabled May 10
122	Feb. 1	Jones,	An Act making an appropriation of the sum of \$5,000 for the payment of the damages suffered by and as compensation for injuries to Earl D. Fouts of Centralia	Tabled May 12
123	Feb. 1	Leavitt	An Act providing for the inspection, licensing and regulation of cold storage warehouses; prohibiting the entry therein of articles of food in certain condition; providing a time limit for the storage of certain foodstuffs therein and the condemnation of such foodstuffs at the expiration thereof, and providing penalties for the violation of this act	Tabled May 12
124	Feb. 1	Lyon	An Act to amend section 2 of an Act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, as amended to read, "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent, to define these terms and to provide for the treatment, control, maintenance, adoption and guardianship of such children," as amended by Act approved June 4, 1907, in force July 1, 1907	Vetoed
125	Feb. 1	Martin	An Act to amend sections sixteen (16), seventeen (17) and eighteen (18) of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain acts relative thereto," approved April 28, 1903, in force July 1, 1903	Tabled May 12
126	Feb. 1	Miller, D. B. ...	An Act making an appropriation for the Eastern Illinois Normal School at Charleston	Tabled May 12
127	Feb. 1	Miller, G. A. ...	An Act to make uniform the law of Bills of Lading	A law
128	Feb. 1	Mitchell	An Act making an appropriation for the payment of the amounts awarded by the Court of Claims to certain persons named therein	A law
129	Feb. 1	Rapp	An Act to make an appropriation to the State Entomologist for the protection of farm crops against injurious insects	Tabled April 13

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
130	Feb. 1	Swanson	An Act to amend an Act entitled, "An Act in relation to the conveyance, use and preservation of burial lots in cemeteries," approved April 21, 1899, in force July 1, 1899, by adding thereto a new section to be known as section 2.	Tabled May 12
131	Feb. 1	Trimarco	An Act to amend sections twenty-eight (28) and thirty (30) of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by an Act approved June 15, 1909, in force July 1, 1909.....	Tabled May 12
132	Feb. 1	Church, (by request)	An Act to amend section 2 of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, and as further amended by an Act approved June 14, 1909, in force July 1, 1909.....	Tabled April 13
133	Feb. 2	Chiperfield ...	An Act to amend section one (1) of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910.....	Tabled May 12
134	Feb. 2	Finley	An Act to protect turnpike, gravel or macadam roads and to provide a penalty for its violation.....	A law.....
135	Feb. 2	Finley	An Act to authorize the construction of gravel or other macadamized roads, providing for raising funds to pay for the same and to protect all roads from injury through heavy hauling.....	Tabled May 12
136	Feb. 2	Pervier.....	An Act to extend the equipment and increase the instruction in the College of Agriculture of the University of Illinois, and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor.....	Tabled April 21
137	Feb. 2	Smiley	An Act to amend section four (4) of an Act entitled, "An Act to provide for the organization, ownership, management and control of cemetery associations," approved May 14, 1903, in force July 1 1903	A law.....
138	Feb. 9	Abbott.....	An Act making an appropriation for the Illinois Farmers' Institute, and County Farmers' Institute	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
139	Feb. 9	Campbell..... (by request)	An Act to provide for the assessment of lands in drainage districts benefited by the work of other drainage districts for the payment of a just proportion of the cost of such work and to provide for the collection of such assessments.....	Tabled May 12
140	Feb. 9	Chiperfield....	An Act to establish a surgical institution for children, and making an appropriation therefor.....	A law.....
141	Feb. 9	Chiperfield....	An Act making an appropriation for the Illinois Surgical Institute for children, in the State of Illinois.....	A law.....
142	Feb. 9	Covey.....	An Act to regulate the pursuit of the business and vocation of a horseshoer, and to insure better qualifications of persons following such business in the State of Illinois.....	Tabled May 12
143	Feb. 9	Donahue	An Act to take territory from the Kickapoo Union School District as organized under an Act entitled, "An Act to establish and form the Kickapoo Union School District," approved March 31, 1869, in force July 1, 1869, by reducing the corporate limits of said district	A law.....
144	Feb. 9	Flagg.....	An Act to amend section 18 of an Act entitled, "An Act to revise the law in relation to paupers," approved March 23, 1874, in force July 1, 1874, as amended by act approved May 24, 1877, in force July 1, 1877.....	Tabled March 15.....
145	Feb. 9	Gilbert.....	An Act to aid in a more speedy disposition of the business of the Appellate Courts.....	A law.....
146	Feb. 9	Hull..... (by request)	An Act to provide for the formation and disbursement of a pension fund in cities, villages and incorporated towns, having a population exceeding 100,000 inhabitants for municipal employes appointed to their positions under and by virtue of an Act entitled, "An Act to regulate the civil service of cities," approved and in force March 20, 1895, and for those who were appointed prior to the passage of said Act and who are now in the service of such city, village or town.....	Tabled May 2.....
147	Feb. 9	Ireland	An Act relating to the fixing of salaries of County Judges and Probate Judges by County Boards.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
148	Feb. 9	Ireland (by request)	An Act to amend an Act entitled, "An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, by repealing sections thirty-two (32), thirty-three (33) and thirty-seven (37) and adding to said Act certain sections making it the duty of County Judges to appoint the judges and clerks of election, and instruct the judges in relation to their duties, and fixing the per diem and mileage of such judges, which amendment shall be in letters and figures following	Tabled May 11
149	Feb. 9	Lewis (by request)	An Act to enable County Boards of Supervisors in counties under township organization, and county commissioners in counties not under township organization, to appropriate county funds for the use of County Farmers' Institutes	A law.....
150	Feb. 9	Montelius.....	An Act to amend sections (16), eighteen (18) and fifty-eight (58) and to add a new section to be known as section A (16a) to an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907; as amended by an Act approved and in force May 29, 1909.	Tabled May 12
151	Feb. 9	O'Rourke (by request)	An Act relating to cemeteries.....	Tabled April 13.....
152	Feb. 9	Perkins.....	An Act to amend sections 1, 3, 4, 9, 10, 11, 12, 20, 21 and 40 of an Act entitled, "An Act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all Acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith," approved May 14, 1907, and in force July 1, 1907, and to add thereto two new sections to be known as sections 20a and 39a.....	A law.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
153	Feb. 9	Perkins	An Act to amend sections 1 and 2 of an Act entitled, "An Act to regulate the sale and analysis of concentrated feeding stuffs," approved May 18, 1903, in force July 1, 1905	A law.....
154	Feb. 9	Perkins	An Act to prevent the preparation, manufacture, packing, storage, or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide penalties for the violation thereof.....	Tabled April 6.....
155	Feb. 9	Pierson	An Act to amend sections 1 and 2 of an Act entitled, "An Act to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages," approved and in force April 25, 1889.....	A law.....
156	Feb. 9	Provine.....	An Act to amend section 12 of an Act entitled, "An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain Acts therein named," approved June 27, 1885, in force July 1, 1885.....	Tabled April 28.....
157	Feb. 9	Rawleigh.....	An Act making an appropriation for the payment of the printing and of the publication expenses of the Grand Army of the Republic, of the Department of Illinois.....	A law.....
158	Feb. 9	Scanlan.....	An Act to provide for the payment of the costs of the north approach to the Illinois River bridge, including a brick pavement forty-eight (48) feet in width from the bridge to the head-race, and a concrete sidewalk six (6) feet in width from the Illinois River bridge to the Chicago, Burlington & Quincy Railroad Company's switch; said approach being abutted on each side by property owned and controlled by the State of Illinois, and located in the city of Ottawa, Illinois.....	Tabled May 12
159	Feb. 9	Shepherd..... (by request)	An Act to amend sections 26 and 28 of an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the incorporation of cities and villages,' approved April 10, 1872 in force July 1, 1872, and all Acts amendatory thereto by adding thereto Article XIII," approved March 9, 1910.....	Tabled May 11
160	Feb. 9	Stevenson	An Act appropriating money to purchase and perpetuate the historic Old Fort Charters as a State Park.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
161	Feb. 9	Stevenson	An Act making appropriations for the Southern Illinois Penitentiary at Chester	Tabled May 9
162	Feb. 9	McNichols.... (by request)	An Act to make an appropriation for the benefit, aid and maintenance of the Illinois Firemen's Association	A law.....
163	Feb. 10	Abbott	An Act making appropriations for the erection of buildings for the University of Illinois	Tabled April 21.....
164	Feb. 10	W. E. Anderson	An Act granting certain lands in the city of Evanston and the title of certain submerged lands adjoining said city to the city of Evanston for park and boulevard purposes.....	Tabled May 12
165	Feb. 10	Ap Madoc.... (by request)	An Act to provide for the formation, administration and disbursement of pension funds by certain boards of park commissioners.....	Tabled May 12
166	Feb. 10	Ap Madoc....	An Act to amend an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, and all Acts amendatory thereto, and to secure for said municipal court the benefit of the provisions of law regulating the civil service of the city of Chicago.....	A law.....
167	Feb. 10	Burns	An Act to enlarge the power of cities in relation to harbors, wharves, docks, piers, slips and other harbor structures, facilities and improvements and utilities constructed or operated in connection therewith, to authorize the acquisition and condemnation of property and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power, and to repeal all Acts or parts of Acts in conflict therewith.....	Tabled May 12
168	Feb. 10	Carter	An Act making appropriations to the University of Illinois.....	Tabled April 21.....
169	Feb. 10	Carter	An Act making appropriations for the equipment, maintenance and extension of the College of Medicine of the University of Illinois.....	Tabled April 21
170	Feb. 10	Chiperfield....	An Act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an Act entitled, An Act to revise the law in relation to County Surveyors and the custody of the "United States field notes," approved March 2, 1874, and in force July 1, 1874, as amended by an Act approved June 4, 1885, in force July 1, 1885; as amended by Act approved May 13, 1903, in force July 1, 1903.....	Tabled May

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
171	Feb. 10	Chiperfield...	An Act to authorize Boards of County Commissioners or Boards of Supervisors, as the case may be, to lease space in Court Houses (not needed for county purposes) to the State or any court thereof to cities, villages, towns, sanitary districts or other municipal corporations.....	A law.....
172	Feb. 10	Covey..... (by request)	An Act to make uniform the law of transfer of shares of stock in corporations.....	Tabled May 12
173	Feb. 10	Dickman.....	An Act to amend sections 324, 325, 326, 329, 342 and 343 of an Act entitled, "An Act for the assessment of property and providing the means thereof, and to repeal a certain Act therein named", approved February 25, 1898, and in force July 1, 1898, and as amended by Act approved May 18, 1905, and in force July 1, 1905, and as amended by Act approved May 13, 1907, and in force July 1, 1907.....	Tabled April 13
174	Feb. 10	Hill	An Act to amend section 1 of an Act entitled, "An Act in relation to courts of record in cities," approved May 10, 1901, in force July 1, 1901.....	Tabled May 12
175	Feb. 10	Leavitt.....	An Act to amend an Act entitled, "An Act to regulate the catching of white-fish, trout, herring, chubs, longjaws, black-fins, perch and other rough fish in the waters of Lake Michigan under the jurisdiction of the State of Illinois," approved May 17, 1907, in force July 1, 1907, by adding thereto two new sections to be known as section 8a and section 8b	Tabled May 12
176	Feb. 10	Leavitt.....	An Act to amend section 4 of an Act entitled, "An Act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, and defining the duties of the Fish Commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof," in force July 1, 1907	Tabled May 12
177	Feb. 10	G. A. Miller..	An Act in regard to decrees of foreclosure of mortgages and deeds of trust, and making redemption therefrom....	Tabled May 10
178	Feb. 10	G. A. Miller... (by request)	An Act to amend section 1 of article V of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force December 31, 1907.....	Tabled May 2.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
179	Feb. 10	G. A. Miller... (by request)	An Act to amend section 25 of an Act entitled, "An Act in regard to guardians and wards," approved April 10, 1872, and in force July 1, 1872	Tabled March 15.
180	Feb. 10	G. A. Miller... (by request)	An Act to amend sections 70 and 97 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, and in force July 1, 1872.....	Tabled May 12
181	Feb. 10	G. A. Miller... (by request)	An Act to amend section 9 of an Act entitled, "An Act to revise the law in relation to promissory notes, bonds, due bills, and other instruments in writing," approved March 18, 1874, and in force July 1, 1874.....	Tabled March 2.....
182	Feb. 10	G. A. Miller... (by request)	An Act to amend section 216 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes," approved March 30, 1872, and in force July 1, 1872.....	A law.....
183	Feb. 10	G. A. Miller... (by request)	An Act to amend section 3 of an Act entitled, "An Act to revise the law in relation to plats," approved March 21, 1874, and in force July 1, 1874.....	Tabled May 12
184	Feb. 10	G. A. Miller... (by request)	An Act to amend sections 19 and 50 of an Act entitled, "An Act to regulate the practice in Courts of Chancery," approved March 15, 1872, and in force July 1, 1872.....	A law.....
185	Feb. 10	Montelius.....	An Act to amend an Act entitled, "An Act to exempt certain personal property from attachment and sale on execution, and from distress for rent," approved May 24, 1877, in force July 1, 1877, by adding thereto a section to be numbered section 22.....	Tabled March 21
186	Feb. 10	Montelius.....	An Act to amend an Act entitled, "An Act to revise the law in relation to mortgages of real and personal property," approved March 26, 1874, as amended by subsequent Acts, by amending section 1 thereof and adding a new section to be section 1a, and providing penalties for violation thereof.....	Tabled March 21
187	Feb. 10	Pierson	An Act to amend section 3 of article XI of an Act to revise the law in relation to township organization, approved and in force March 4, 1874.....	Tabled March 21

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
188	Feb. 10	Ross (by request)	An Act to provide for the organization and management of fraternal beneficiary societies, for the purpose of furnishing life indemnity or pecuniary benefits to beneficiaries of deceased members, or accident or permanent indemnity disability to members thereof; and to control such societies of this State and of other states doing business in this State, and providing and fixing the punishment for violation of the provisions thereof, and to repeal all laws now existing which conflict herewith.....	Tabled April 21
189	Feb. 10	Ross	An Act to amend section 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874.....	Tabled May 12
190	Feb. 10	Scanlan	An Act to amend sections 20 and 21 of an Act entitled, "An Act in regard to the administration of estates," approved April 1, 1872, in force July 1, 1872, as amended, and to add to said Act a section requiring bond from distributees in certain cases,	A law.....
191	Feb. 10	Scott	An Act to amend section 1 of an Act entitled, "An Act for the protection of game, wild fowls and birds, and to repeal certain acts relating thereto," approved April 28, 1903, and in force July 1, 1903, as amended by Act approved May 18, 1905, in force July 1, 1905, as further amended by Act approved May 28, 1907, in force July 1, 1907, as further amended by Act approved June 15, 1909, in force July 1, 1909.....	Tabled May 12
192	Feb. 10	Strauss.....	An Act to authorize cities to open streets through parks.....	Vetoed.....
193	Feb. 10	King.....	An Act relating to hotels, inns and public lodging houses, creating the office of State hotel inspector, and providing penalties for the violation thereof, and making an appropriation therefor	Tabled May 12.....
194	Feb. 14	Alexander.....	An Act to amend sections 1 and 3 of an Act concerning Canada thistles, approved and in force March 15, 1872, as amended by Act approved June 27, 1885, in force July 1, 1885.....	Tabled May 10
195	Feb. 14	Alexander.....	An Act to amend section 40 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874	Tabled May 10

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
196	Feb. 14	Campbell	An Act making an appropriation to the State Fish Commission for the establishment of a rescue and pond culture station in either Rock Island county or Henry county, along Rock River, for the rescue and culture of fresh water fish.....	Tabled May 12
197	Feb. 14	Collier	An Act to amend section 14 of article 6 of an Act entitled "An Act to provide for the incorporation of cities and villages, approved April 10, 1872, in force July 1, 1872, as amended by Act approved June 2, 1908, in force July 1, 1908.....	Tabled May 4.....
198	Feb. 14	Collier	An Act to amend section 6 of article 4, of an Act entitled, "An Act to provide for the incorporation of cities and villages, approved April 10, 1872 in force July 1, 1872, as amended by an Act approved and in force April 1, 1883".....	Tabled May 4.....
199	Feb. 14	Green.....	An Act to amend an Act entitled, "An Act to suppress mob violence, approved May 16, 1905, in force July 1, 1905, by adding thereto a new section to be known as section 7"	Tabled May 10,
200	Feb. 14	Hamilton	An Act to create a State Tax Commission and to define the powers and duties thereof	Tabled May 12
201	Feb. 14	Hutzler.....	An Act to regulate the practice of chiropody in the State of Illinois	Tabled May 12
202	Feb. 14	Montelius	An Act to amend an Act to provide for drainage for agricultural and sanitary purposes and to repeal certain acts therein named, approved June 27, 1885, in force July 1, 1885, as amended by an Act approved June 3, 1889, in force July 1, 1889; as amended by an Act approved and in force July 1, 1891, as amended by an Act approved June 21, 1895, in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 11, 1901; in force July 1, 1901; as amended by an Act approved May 18, 1905, in force July 1, 1905; as amended by an Act approved and force February 27, 1907, by adding two sections thereto	Tabled May 12
203	Feb. 1	Provine.....	An Act to provide for and regulate the publication and distribution of the decisions of the Appellate Courts of this State, to provide for a reporter thereof, and to fix his compensation.....	Passed House March 16..

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
204	Feb. 14	Provine	An Act to amend an Act entitled, "An Act to regulate the reporting of the decisions of the Supreme Court of this State, to fix the compensation of the reporter, to fix the price of said reports, to provide for the purchase of certain copies thereof by the State and for their distribution," approved May 17, 1877, in force July 1, 1877.....	A law.....
205	Feb. 14	Stedman	An Act making an appropriation to the University of Illinois for the erection of a suitable kiln house and addition to the present building for more adequate instruction and investigation in ceramics	Tabled April 21
206	Feb. 14	Swanson	An Act to amend section 120 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1 1907	Passed House April 13...
207	Feb. 14	Vickers	(by request) An Act to amend an Act entitled, "An Act to revise the law in relation to divorce," approved March 10, 1874, in force July 1, 1874; as amended by an Act approved May 13, 1905, in force July 1, 1905, by adding thereto a section to be numbered and known as section 1 (b)	Tabled May 10
208	Feb. 14	Watson	(by request) An Act to amend section 1 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907.....	Tabled May 12
209	Feb. 14	Wilson, G. H.	An Act to provide for the creation of anti-saloon territory by popular vote of an entire county within which territory the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of territory so created	Tabled April 13
210	Feb. 14	Winthrop.....	An Act to amend section seventeen (17) of division thirteen (13) of chapter thirty-eight (38) of an Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.....	Tabled May 10
211	Feb. 14	Winthrop.....	An Act to amend an Act to review the law in relation to change of venue," approved March 25, 1874, in force July 1, 1874.....	Tabled May 10
212	Feb. 14	Lyon	An Act to amend section eighty-three of an Act entitled, An Act in regard to elections, and to provide for filling vacancies in elective offices," approved April 3, 1872, in force July 1, 1872, and amendments thereto.....	Tabled May 11

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
213	Feb. 15	Abbott.....	An Act to permit and authorize the improvement of streams for purposes of navigation and the production of water power.....	Tabled May 12
214	Feb. 15	Abbott	An Act to create a State Board of Forestry, to promote the forest interests of the State, and to appropriate money therefor	Tabled May 12
215	Feb. 15	Carter	An Act to create a State Board of Education and to define its powers and duties	Tabled May 12
216	Feb. 15	Carter.....	An Act to provide for the certification of teachers.....	Tabled May 12
217	Feb. 15	Covey	An Act to amend an Act entitled, "An Act to regulate service by publication in courts of record and to repeal acts in conflict therewith," approved June 11, 1897, in force July 1, 1897.....	Tabled May 4.....
218	Feb. 15	Covey	An Act to amend an Act entitled, "An Act to revise the law in relation to notices," approved Feb. 18, 1874, in force July 1, 1874.....	Tabled May 4.....
219	Feb. 15	Covey	An Act to make an appropriation to purchase a site and to build an armory in the city of Peoria, and authorizing the appointment of a commission to purchase such site	Tabled April 13
220	Feb. 15	Dickman	An Act to amend section sixteen a (16a) of an Act entitled, "An Act to encourage the propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof," in force July 1, 1907	Tabled May 4.....
221	Feb. 15	Jones	An Act to legalize certain elections held under "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872.....	A law.....
222	Feb. 15	Karch.....	An Act prohibiting the granting of a license to others than native born or naturalized citizens of the United States	Tabled May 12
223	Feb. 15	Karch.....	An Act to amend section 6 of an Act entitled, "An Act to revise the law in relation to costs," approved Feb. 11, 1874, in force July 1, 1874, as heretofore amended	Tabled March 15.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
224	Feb. 15	Karch.....	An Act to amend section 72 of an Act entitled, "An Act in regard to administration of estates," approved April 1, 1872, in force July 1, 1872, as heretofore amended	Tabled May 12
225	Feb. 15	Kinsella, (by request)	An Act prohibiting the adulteration and deception in the manufacture and sale of spirits of turpentine, and providing penalties for violation thereof	Tabled May 12
226	Feb. 15	Leavitt.....	An Act to insure greater safety to the lives of the traveling public and prescribing the number of employes to be used in the operation of passenger and freight trains in the State of Illinois, and providing a penalty for a violation of this act	Tabled May 11
227	Feb. 15	McNichols....	An Act regulating toll charges of telephone companies	Tabled May 12
228	Feb. 15	Pierson	An Act conveying certain lands to Wilmette Park District for the purpose of establishing a public park or pleasure ground thereon	Tabled May 12
229	Feb. 15	Provine, (by request)	An Act to amend section sixteen (16) of an Act entitled, "An Act to establish appellate courts," approved June 2, 1877, in force July 1, 1877	Tabled May 12
230	Feb. 15	Rapp	An Act to prevent the violation of teaching contracts by teachers, legally employed as such by boards of directors and boards of education	Tabled March 16.....
231	Feb. 15	Wilson, G. H.	An Act prohibiting the sale, distribution or gift of malt, spirituous, vinous or intoxicating liquors near any soldiers' and sailors' home owned or maintained by the State of Illinois, and providing a penalty for the violation thereof.....	Tabled May 12
232	Feb. 15	Curran	An Act to amend sections 1 and 10 of an Act entitled, "An Act to provide for the creation by popular vote of anti-saloon territory within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited, and for the abolition, by like means, of territory so created," approved May 16, 1907, in force July 1, 1907.....	Tabled April 13
233	Feb. 23	ApMadoc..... (by request)	An Act to provide relief for the dependents of prisoners in penitentiaries, reformatories and houses of correction in the State of Illinois.	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
234	Feb. 23	Covey	An Act to amend section 2 of an Act entitled, "An Act in regard to attachments in courts of record," approved December 23, 1871, in force July 1, 1872.....	Tabled May 10
235	Feb. 23	Covey.....	An Act to amend section 14 of "An Act to revise the law in relation to replevin," approved February 9, 1874, in force July 1, 1874.....	Tabled May 10
236	Feb. 23	English.....	An Act to amend an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.....	Tabled May 12
237	Feb. 23	Flagg.....	An Act to amend section sixty-eight (68) of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874.....	A law.....
238	Feb. 23	Flannigen (by request.)	An Act to amend section 9 of an Act entitled, "An Act to create sanitary districts in certain localities, and to drain and protect the same from overflow for sanitary purposes," approved May 17, 1907, in force July 1, 1907.....	Tabled April 7.....
239	Feb. 23	Hull.....	An Act concerning the proof of ordinances of any municipality which, or any part of which, heretofore has been or hereafter may be annexed to another municipality.....	Tabled May 12
240	Feb. 23	Karch	An Act to amend section 44 of an Act entitled, "An Act to establish and maintain a system of free schools," approved June 16, A. D. 1909, in force July 1, A. D. 1909.....	Vetoed.....
241	Feb. 23	Marcy	An Act to amend section one (1) of an Act entitled, "An Act to revise the law in relation to divorce, approved March 10, 1874, in force July 1, 1874....	Tabled May 17.....
242	Feb. 23	Pervier.....	An Act providing for the acquisition and improvement of additional land by the State Board of Agriculture.....	Tabled May 10
243	Feb. 23	Pervier.....	An Act making appropriation for the State Board of Agriculture, to be used for the purchase of additional land and in the construction of permanent improvements on the State Fair Grounds	A law.....
244	Feb. 23	Pervier.....	An Act making an appropriation for the State Board of Agriculture and county and other agricultural fairs	A law.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
245	Feb. 23	Scanlan	An Act to amend section one (1) of an Act entitled, "An Act to provide for fees of clerks of Probate Courts in counties of the second class having a population of seventy thousand or more," approved June 16, 1909, in force July 1, 1909	Tabled May 12
246	Feb. 23	Simpson	An Act to amend an Act entitled, "An Act to secure the collection and publication of agricultural and other statistics," approved and in force May 25, 1877, by adding thereto a new section to be known as section 4a	Tabled April 7
247	Feb. 23	Lyon	An Act in relation to the manufacture, sale, keeping for sale or giving away cigarettes, cigarette papers or wrappers, or other substitutes therefor, and providing a penalty for the violation thereof	Passed House May 12
248	Feb. 23	Curran	An Act to regulate the hours of labor of city employes in cities whose population exceeds one hundred thousand	Passed House March 28
249	Feb. 23	Browne	An Act in relation to libel	Tabled May 12
250	Feb. 24	ApMadoc	An Act to promote the the public health by protecting certain employes in this State from the dangers of occupational diseases, and providing for the enforcement thereof	A law
251	Feb. 24	Butts	An Act making an appropriation for the erection of a monument on the battlefield of Kenesaw Mountain, Georgia	A law
252	Feb. 24	Canady	An Act to amend section 14 of an Act entitled "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and as amended by Act approved June 14, 1909, in force July 1, 1909	A law
253	Feb. 24	Covey	An Act to amend section 14 of an Act to establish and maintain a system of free schools," approved and in force June 12, 1909	Tabled May 12
254	Feb. 24	Flagg	An Act to amend section (2) of an Act entitled, "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an Act approved March 29, 1905, in force July 1, 1905, and as amended by an Act approved June 14, 1909, in force July 1, 1909	Tabled April 13

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
255	Feb. 24	Hill.....	An Act to amend section eighty-one of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907	A law.....
256	Feb. 24	Hoffmann.... (by request)	An Act prohibiting fire insurance companies from paying a greater or less or different rate of commission to agents on account of the presence in the same agency of other fire insurance companies that are not members of the same organization, association or combination, and prohibiting the inducing or attempting to induce fire insurance agents to surrender or expel non-member companies by offers of great compensation and withdrawing or threatening to withdraw from agency and inducing other companies to do so and reducing or threatening to reduce any agent's commission and by any other means discriminating and restraining trade, and prescribing penalties for the violation of this act.....	Tabled May 10
257	Feb. 24	Holaday..... (by request)	An Act to amend section 10 of an Act entitled, "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.....	Tabled April 28
258	Feb. 24	Hollenbeck ..	An Act imposing new and additional duties upon the State Water Survey, and making an appropriation therefor.	Tabled May 10
259	Feb. 24	Hull..... (by request)	An Act relating to the civil service in park systems.....	A law.....
260	Feb. 24	Hull..... (by request)	An Act regulating the work of children under sixteen years of age in the trade of boot blacking and in the sale of newspapers, magazines, periodicals or other merchandise in streets or public places, and in street trades, and providing for the licensing of such children by boards of directors or boards of education of schools.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
261	Feb. 24	Hull..... (by request)	An Act to amend an Act to create sanitary districts and to remove obstructions in the Des Plains and Illinois rivers, approved May 29, 1889, in force July 1, 1889, as amended by an Act approved June 10, 1895, in force July 1, 1895; as amended by an Act approved May 13, 1897, in force July 1, 1897, as amended by an Act approved May 10, 1901, in force July 1, 1901, as amended by an Act approved May 11, 1905, in force July 1, 1905, as amended by an Act approved and in force February 27, 1907, as amended by an Act approved May 25, 1907, in force July 1, 1907, as amended by an Act approved June 14, 1909, in force July 1, 1909, by amending section four (4) and by adding thereto twelve new sections to be known as section 4a, section 4b, section 4c, section 4d, section 4e, section 4f, section 4g, section 4h, section 4i, section 4j, section 4k and section 4l,.....	Tabled May 4.....
262	Feb. 24	Jones.....	An Act to provide for the punishment of any person who drinks any intoxicating liquor, or who is intoxicated in or upon any railroad passenger car in use for the transportation of passengers or in or about any railroad station or platform; and for conductors to make arrests therefor.....	A law.....
263	Feb. 24	Kerrick.....	An Act providing for the sale and conveyance of all the right, title and interest of the State of Illinois in and to the buiding and lands now owned by the State of Illinois, and used for an armory by the Secound Regiment, Illinois National Guard.....	A law.....
264	Feb. 24	Kerrick.....	An Act in relation to procuring of sites and for the erection of armory buildings for the use of the Illinois National Guard, and Illinois Naval Reserve, and making an appropriation therefor.....	A law.....
265	Feb. 24	Lyon.....	An Act in relation to the jurisdiction of county courts.....	Tabled March 16.....
266	Feb. 24	McGuire.....	An Act to provide for the stamping of notes, bills of credit and books of account by assessors and making the same void when not so stamped.....	Tabled May 12.....
267	Feb. 24	Miller, D. B. (by request)	An Act to amend sections 130 and 132 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874.....	Tabled May 12.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
268	Feb. 24	Miller, D. B. (by request)	An Act to prohibit the collection of fees and charges for the car and maintenance of residents of this State who may be confined in any State charitable institution in this State.....	Tabled May 12
269	Feb. 24	Miller, G. A.	An Act to amend section 20 of an Act entitled, "An Act to revise the law in relation to township organization," approved March 4, 1874, and in force March 4, 1874.....	A law.....
270	Feb. 24	Perkins	An Act to regulate the traffic in deadly weapons, to prevent the sale or giving of them to minors, and to prohibit the carrying of them, to provide a punishment for a violation thereof, and to repeal an act of the General Assembly of date of April 16, 1881, in force July 1, 1881, and all acts and parts of acts in conflict herewith.....	Tabled May 12
271	Feb. 24	Scanlan.....	An Act to amend section thirty (30) of Article XIII of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, added thereto by the amendatory act, approved March 9, 1910, and in force July 1, 1910	Tabled May 12
272	Feb. 24	Scott	An Act to amend section 1 of an Act entitled, "An Act to provide for annexing and excluding territory to and from cities, towns and villages," approved April 10, 1872, in force July 1, 1872; as amended by an act approved May 10, 1901, in force July 1, 1901.....	Tabled May 11
273	Feb. 24	Scott	An Act to provide for an appropriation of money to be used in the improvement of the Little Wabash river and its tributaries	Tabled May 12
274	Feb. 24	Shaver..... (by request)	An Act in relation to contracts of insurance made by company belonging to tariff association construed to add 25 per cent to face of policy.....	Tabled May 10
275	Feb. 24	Shurtleff..... (by request)	An Act to amend an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an act approved March 28, 1874, and in force July 1, 1874, and as further amended by an act approved June 14, 1909, in force July 1, 1909	Tabled May 12
276	Feb. 24	Simpson..... (by request)	An Act creating the office of Assistant State Engineer in each county, and defining the authority and duties of such officers.....	Tabled April 7.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
277	Feb. 24	Smejkal (by request)	An Act making appropriations for procuring and preserving documents, papers and materials and publications relating to the Northwest and the State of Illinois	A law.....
278	Feb. 24	Dudgeon	An Act to make appropriation for ordinary and other expenses of the Illinois State Penitentiary at Joliet	Tabled May 12
279	Feb. 24	Dudgeon	An Act to amend section 1 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved and in force March 8, 1910.....	Tabled April 5.....
280	Feb. 24	Dudgeon	An Act to amend section 26 of "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, and amendments	Tabled March 15.....
281	Feb. 24	Dudgeon	An Act making an appropriation for the maintenance and extension of the Department of Mining Engineering at the University of Illinois and for erection of a building at the University and for work of investigation.....	Tabled April 21
282	Feb. 24	Tice	An Act making an appropriation for the Illinois State Poultry Association.	A law.....
283	Feb. 24	Wilson, G. H.	An Act to amend sections 3a and 3d of an Act entitled, "An Act to establish and maintain a soldiers' and sailors' home in the State of Illinois, and making an appropriation for the purchase of land and the construction of the necessary buildings," approved June 26, 1885, in force July 1, 1885, as added by an act approved May 13, 1903, in force July 1, 1903, and as amended as to said section 3a by an act approved May 25, 1907, in force July 1, 1907.....	A law.....
	Feb. 24	Wilson, G. H. (by request)	An Act relating to fire, inland navigation and tornado insurance.....	Tabled May 2.....
285	Feb. 24	Hamilton.....	An Act to empower the board of supervisors in counties under township organization or the board of county commissioners in counties not under township organization, to appropriate funds for educational or agricultural exhibits at county fairs	A law.....
286	Mar. 1	Alexander....	An Act to enable school districts in townships having adopted one school district to convey pupils to and from school.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
287	Mar. 1	ApMadoc..... (by request)	An Act to provide compensation for the labor of prisoners, for the benefit of their dependents.....	Tabled May 12
288	Mar. 1	ApMadoc.....	An Act to enable counties to provide employment for prisoners in county jails awaiting trial, and to give such prisoners compensation therefor.....	Tabled May 12
289	Mar. 1	Barker	An Act to make an appropriation to pay the earned and unpaid salary of Samuel E. Flannigan as trustee treasurer of the Southern Illinois Normal University for the years 1869, 1870 and 1871.....	Tabled May 12
290	Mar. 1	Carter.....	An Act to amend "An Act to provide for the appointment of a Board of Fire and Police Commissioners in all cities of this State having a population of not less than seven thousand nor more than one hundred thousand, and prescribing the powers and duties of such board," approved and in force April 2, 1903.....	Tabled May 12
291	Mar. 1	Chiperfield...	An Act to appropriate \$35,000 or so much thereof as may be necessary for the purpose of constructing an armory for the Illinois National Guard at Canton, Illinois.....	Tabled April 13
292	Mar. 1	Chiperfield...	An act to provide for the equipment and maintenance of the Department of Poultry Husbandry in the College of Agriculture of the University of Illinois.....	Tabled April 21
293	Mar. 1	Chiperfield...	An act to establish a department of Poultry Husbandry in the College of Agriculture at the University of Illinois.....	Tabled April 21
294	Mar. 1	Covey	An act to amend section 14 of article 6 of an act entitled "An Act to provide for the incorporation of cities and villages," approved Apr. 10, 1872, in force July 1, 1872, as amended by act approved May 26, 1897, in force July 1, 1897, as amended by act approved June 2, 1908, in force July 1, 1908.....	Tabled May 12
295	Mar. 1	Dennis	An act to amend section 2 of an act entitled "An Act concerning the levy and extension of taxes," approved May 9, 1901, in force July 1, 1901, as amended by an act approved Mar. 29, 1905, in force July 1, 1905, and as further amended by an act approved June 14, 1909, in force July 1, 1909.....	Tabled April 13

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
296	Mar. 1	Dennis	An act to amend section 16 of an act entitled "An Act in regard to roads and bridges in counties under township organization and to repeal an act and parts of acts therein named," approved June 23, 1883, in force July 1, 1883, as amended by an act entitled "An Act to amend section sixteen of an act entitled 'An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named,' approved June 3, 1889, in force July 1, 1889, and as further amended by an Act approved June 15, 1909, in force July 1, 1909.	Tabled April 7.
297	Mar. 1	English. . . .	An Act to amend sections 1 and 2 of an Act entitled "An Act to establish a board of railroad and warehouse commissioners and prescribe their power and duties," approved April 13, 1871, in force July 1, 1871.	Vetoed.
298	Mar. 1	Flagg.	An An to amend sections two (2) and three (3) of an Act entitled, "An Act in regard to itinerant camping on Public Highways," approved April 21, 1899, in force July 1, 1899.	Tabled March 21.
299	Mar. 1	Flagg.	An Act to amend section fourteen (14) of an Act entitled "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and as amended	Tabled May 12
300	Mar. 1	Flannigan. . . .	An Act to make an appropriation for the relief of Edward A. Laxton, injured by an accident at the Southern Illinois Penitentiary, resulting in an injury to him, while in the performance of his duties, under the direction of an officer of the institution.	Tabled May 12
301	Mar. 1	Green.	An Act to amend section 1 of an Act entitled, "An Act to protect all citizens in their civil and legal rights, and fixing a penalty for violation of the same," approved June 10, 1885, in force July 1, 1885, as amended by Act approved May 15, 1903, in force July 1, 1903.	A law.
302	Mar. 1	Hoffman.	An Act to establish a department of highways, defining the powers and duties of the State Highway Commissioners and authorizing State aid for the establishment, construction, maintenance and repairs of public highways and bridges.	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
303	Mar. 1	Karch.....	An Act in relation to the practice of procuring and inducing persons imprisoned, under arrest or accused or suspected of committing a crime to make confessions of guilt; providing for the exclusion as evidence such confessions, admissions and declarations not made in compliance with the provisions of this Act, and providing for penalties for the violation of the provisions hereof	Tabled May 12
304	Mar. 1	King.....	An Act regulating the liability of employers for injuries to their employees..	Tabled May 12
305	Mar. 1	King.....	An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment.....	Tabled May 12
306	Mar. 1	Kirkpatrick...	An Act making an appropriation in aid of the Illinois State Horticultural Society	A law.....
307	Mar. 1	Miller, A. A..	An Act to amend section one (1) a, of "An Act to Revise the Law in Relation to Divorce," approved March 10, 1874, in force July 1, 1874, to read	Tabled March 21.....
308	Mar. 1	Miller, A. A..	An Act to amend section one of an Act entitled, "An Act for releasing sureties on the bonds of guardians, conservators of idiots or insane persons, or trustees of any fund or property appointed by any court," approved May 11, 1877, in force July 1, 1877.....	Tabled April 13
309	Mar. 1	Miller, A. A..	An Act to amend section 202 of "An Act for the assessment of property and for the levy and collection of taxes," in force July 1, 1872, to read.....	Tabled May 12
310	Mar. 1	Scanlan	An Act to provide for the revision of the statutes of this State, and making an appropriation to carry into effect the provisions of this Act.....	Tabled May 12
311	Mar. 1	Shanahan.....	An Act in relation to the payment of the public money of the State into the State treasury.....	A law.....
312	Mar. 1	Shanahan	An Act making an appropriation for a water supply for the Anna State Hospital.....	A law.....
		(by request)		
313	Mar. 1	Shaver	An Act to regulate conferring of law degrees	Tabled March 29.....
314	Mar. 1	Shaver	An Act to amend section 20 of an Act entitled, "An Act in regard to limitations," approved April 4, 1872, in force July 1, 1872.....	Tabled May 16.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
315	Mar. 1	Smith, F. G.	An Act to provide for crediting back to life insurance companies amounts collected from them by the Insurance Superintendent of this State in excess of the amounts authorized by law.....	Tabled April 7.....
316	Mar. 1	Wilson, G. H.	An Act prohibiting the sale, distribution or gift of malt, spirituous, vinuous or intoxicating liquors near any soldiers' and sailors' home owned or maintained by the State of Illinois, and providing a penalty for the violation thereof.....	A law.....
317	Mar. 1	Winthrop.....	An Act to amend section one hundred and fifty-five (155) of an Act entitled, "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved May 3, 1873, in force July 1, 1873.....	A law.....
318	Mar. 1	Mr. Speaker ..	An Act relating to trade discrimination on commodities and the products made and compounded therefrom, and providing penalties for the violation thereof and method of enforcement.....	Passed House April 20....
319	Mar. 1	Mr. Speaker ..	An Act to provide for the incorporation of cooperative associations for pecuniary profit.	Tabled March 21.....
320	Mar. 2	Abbott..... (by request)	An Act to amend section 17 of an Act entitled, "An Act to provide for the incorporation of associations that may be organized for the purpose of constructing railways, maintaining and operating the same; for prescribing and defining the duties limiting the powers of such corporation when organized," approved and in force March 1, 1872, as amended by an Act approved June 2, 1891, in force July 1, 1891.....	Tabled May 12.....
321	Mar. 2	Abbott.....	An Act to amend sections 2, 4, 5, 6, 7, 8, 10, 11, 11½, 13, 16, 17, 18 and 19 of an Act entitled, "An Act to establish a Board of Railroad and Warehouse Commissioners, and prescribe their powers and duties, approved April 13, 1871; in force July 1, 1871; and, also by adding to said Act new sections numbered 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32 and 33.....	Tabled April 13.....
322	Mar. 2	ApMadoc.....	An Act to define personal property brokers and regulate their charges and business and to provide penalties for the violation of certain provisions thereof.....	Passed House May 11....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
323	Mar. 2	Barker	An Act entitled "An Act to make an appropriation to build an armory in the City of McLeansboro"	Tabled April 13
324	Mar. 2	Burns	An Act to amend section one of article 5 of "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872; as amended by an Act approved and in force December 31, 1907.	A law
325	Mar. 2	Carter	An Act to appropriate the State School fund	Tabled May 12
326	Mar. 2	Carter	An Act to amend section 121 of "An Act to establish and maintain a system of free schools," approved June 12, 1909.	A law
327	Mar. 2	Catlin	An Act to amend sections 9, 20 and 24 of article 2, and section 1 of article 4 of an Act entitled, "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State," approved June 19, 1885, in force July 1, 1885; as amended by an Act approved June 18, 1891, in force July 1, 1891; as amended by an Act approved June 17, 1895, in force July 1, 1895; as amended by an Act approved June 9, 1897, in force July 1, 1897; as amended by an Act approved April 24, 1899, in force July 1, 1899; as amended by an Act approved May 11, 1901, in force July 1, 1901; as amended by an Act approved May 25, 1907, in force July 1, 1907; as amended by an Act approved June 10, 1909, in force July 1, 1909.	Tabled May 12
328	Mar. 2	Chiperfield....	An Act to provide for the construction of a State educational building and to make appropriation therefor.	Tabled May 12
329	Mar. 2	Collier	An Act to define personal property broker and to regulate the interest charges on loans made on Chattel Mortgage Security, or the assignment of wages, and to repeal all Acts and parts of Acts inconsistent therewith.	Tabled May 10
330	Mar. 2	Collier	An Act to extend the powers of the city council in cities and the President and Board of Trustees in villages and incorporated towns	Tabled May 12
331	Mar. 2	Conlon	An Act to provide for the examination of and the issuance of certificates to painting and decorating contractors and to journeymen painters and decorators, and for sanitary inspection and performance of painting and decorating	Tabled May 12
332	Mar. 2	Curran	An Act determining and fixing the residence of students and pupils attending universities, colleges and schools.	Tabled May 11

House Synopsis—Continued.

No	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
333	Mar. 2	Dickman.....	An Act to create the office of County Auditor in counties under township organization of over seventy-five thousand (75,000) inhabitants and under three hundred thousand (300,000) to provide for his nomination, election, term of office, salary and to define his duties.....	A law.....
334	Mar. 2	Dudgeon.....	An Act to amend section 10 of "An Act to revise the law in relation to Coroners," approved February 6, 1874, in force July 1, 1874.....	Tabled March 21.....
335	Mar. 2	English.....	An Act to repeal an Act entitled, "An Act defining the county in which police magistrates elected in cities and villages lying in two or more counties shall hold office and where such police magistrates shall exercise jurisdiction," approved May 14, 1901, in force July 1, 1901.....	A law.....
336	Mar. 2	English.....	An Act to prevent and punish fraud in sales of goods, wares and merchandise at public or private sale by itinerant venders, and to regulate all such sales.	A law.....
337	Mar. 2	English.....	An Act to amend section 88 of an Act entitled, "An Act to establish and maintain a system of free sohools," approved and in force June 12, 1909....	A law.....
338	Mar. 2	English.....	An Act to amend sections 85 and 86 of an Act entitled, "An Act to establish and maintain a system of free sohools," approved and in force June 12, 1909....	A law.....
339	Mar. 2	Finley..... (by request)	An Act to prevent the desecration of the Sabbath Day.....	Tabled April 27.....
340	Mar. 2	Finley..... (by request)	An Act to declare it a felony to enter on land that is posted, "No hunting, No trespassing," for the purpose of hunting or doing any unlawful act.....	Tabled May 12.....
341	Mar. 2	Finley..... (by request)	An Act to compel hunters to obtain written permission before entering on another owner' premises for the purpose of hunting.....	Tabled May 12.....
342	Mar. 2	Finley..... (by request)	An Act establishing hunting license fees.....	Tabled May 12.....
343	Mar. 2	Flagg..... (by request)	An Act to amend "An Act relating to the powers, duties and property of telephone companies," approved May 16, 1903, in force July 1, 1903.....	Tabled May 12.....
344	Mar. 2	Hamilton.....	An Act to amend section 239 of an Act entitled, "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, in force July 1 1872.....	Tabled May 12.....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
345	Mar. 2	Hamilton . . .	An Act to amend sections 133 to 181 inclusive, of an Act entitled, "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872	Tabled May 12
346	Mar. 2	Hamilton	An Act to amend section 21 and 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874	Tabled May 12
347	Mar. 2	Hamilton	An Act to abolish the office of township collector	Tabled May 12
348	Mar. 2	Holaday	An Act granting the right of eminent domain to electric light and distributing companies	Tabled May 10
349	Mar. 2	Hrubec	An Act in relation to the compensation of testamentary trustees	Tabled May 12
350	Mar. 2	Hull..... (By request)	An Act to amend section 3 and 4 of an Act entitled, "An Act to create a State Art Commission and to define its powers and duties," approved June 4, 1903, in force July 1, 1903	Tabled May 10
351	Mar. 2	Judah..... (By request)	An Act to amend section 59 of an Act entitled, "An Act in relation to a Municipal Court in the City of Chicago," approved May 18, 1905, as amended by the Act approved June 3, 1907, and in force July 1, 1907.....	Tabled April 13
352	Mar. 2	Judah..... (By request)	An Act to amend section 40 of an Act entitled, an "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874; as amended by an Act approved May 24, 1907, and in force July 1, 1907.....	Tabled April 7.....
353	Mar. 2	Judah..... (By request)	An Act in relation to assignment of wages.....	Tabled April 13
354	Mar. 2	Judah.....	An Act to amend an Act entitled, "An Act to provide for the incorporation, management and regulation of pawners' societies and limiting the rate of compensation to be paid for advances, storage and insurance of pawns and pledges, and to allow the loaning of money upon personal property," approved March 29, 1899	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
355	Mar. 2	Judah.....	An Act to create chattel mortgage societies and to provide for the management and regulation thereof and designing the nature of the security upon which loans may be made and limiting the rates of compensation and charges to be paid thereon.....	Passed House May 16
356	Mar. 2	Karch.....	An Act to amend section 76 of an Act entitled, "An Act to establish and maintain a system of free schools," approved June 16, A. D. 1909, in force July 1, A. D. 1909	Tabled April 11
357	Mar. 2	Kerrick	An Act to amend section 6, Article III of an Act entitled, "An Act to establish a military and naval code for the State of Illinois, and to repeal all Acts in conflict therewith," approved June 10, 1909, in force July 1, 1909.....	Tabled May 12
358	Mar. 2	King.....	An Act relating to the liability of employers to their employes for personal injuries	Tabled May 12
359	Mar. 2	Kirkpatrick...	An Act to amend section 1 of an Act entitled, "An Act to regulate the number of extra policemen and janitors to be employed by the Secretary of State during sessions of the General Assembly," approved June 10, 1897, in force July 1, 1897	Tabled May 12
360	Mar. 2	Kirkpatrick...	An Act to amend section 11 of an Act entitled, "An Act to provide for the election and appointment of the officers and employes of the General Assembly of the State and to fix their compensation," approved May 28, 1877, in force July 1, 1877	Tabled May 12
361	Mar. 2	Lyon (by request)	An Act to repeal "An Act to provide for the election of town clerks, township assessors, and township collectors in counties under township organization and to fix their term of office," approved June 14, 1909, in force July 1, 1909	Tabled March 22.....
362	Mar. 2	Lyon	An Act to amend an Act entitled, "An Act to provide for the safety of persons employed in and about coal mines and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and providing penalties for the violation of the same," approved June 1, 1908, in force July 1, 1908, as amended and approved June 1, 1909, in force July 1, 1909, be and the same is hereby amended to read as follows.....	Tabled March 29.....
363	Mar. 2	Marcy (by request)	An Act to amend sections four (4) and seven (7) of an Act entitled, "An Act to revise the law in relation to oil inspection," approved March 12, 1874, in force July 1, 1874.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
364	Mar. 2	Martin (by request)	An Act entitled, "An Act to prohibit the furnishing or giving away of food without charge in dramshops".....	Tabled May 12
365	Mar. 2	Miller, A. A... (By request)	An Act to amend an Act entitled, "An Act concering local improvements," approved June 14, 1897.....	Tabled May 11
366	Mar. 2	Miller, A. A...	An Act to amend section 18 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this state with reference thereto," approved March 29, 1872, title as amended by act approved March 28, 1874, as amended by act approved June 14, 1909, in force July 1, 1909.....	Tabled May 12
367	Mar. 2	Miller, A. A...	An Act to amend section 56 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, as amended by an Act approved May 24, 1879, in force July 1, 1879.....	Tabled March 23.....
368	Mar. 2	Miller, A. A...	An Act to amend Section one (1) of "An Act to revise the law in relation to divorce," approved March 10, 1874, in force July 1, 1874, to read.....	Tabled March 21.....
369	Mar. 2	Miller, A. A...	An Act to amend an Act entitled, "An Act to revise the law in relation to criminal jurisprunance," approved March 27, 1874, in force July 1, 1874..	Tabled May 12
370	Mar. 2	Miller, A. A...	An Act to amend section 93 of Article 9, of an Act entitled "An Act to revise the law in relation to Township Organization," approved March 4, 1874, in force March 14, 1874.....	Tabled May 12
371	Mar. 2	Miller, D. B...	An Act prohibiting cash on delivery shipments of intoxicating liquor or delivery to fictitious consignees and requiring all packages containing intoxicating liquor to have name of consignee and nature of contents marked thereon.....	Tabled May 12
372	Mar. 2	Mitchell	An Act to enable public park commissioners to take, improve, govern, locate and maintain parks and boulevards in contiguous territory and not now under their control and to provide a tax for the payment of the same....	Tabled May 12
373	Mar. 2	Mitchell	An Act to amend section forty-four of an Act concerning fees and salaries and to classify the several counties of this State with reference thereto.....	Tabled April 19
374	Mar. 2	Mitchell	An Act regulating trust compaines engaged in the business of guaranteeing the titles to real estate.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
375	Mar. 2	Montelius	An Act to amend section 76 of an Act of the Legislature, entitled, "An Act to amend section 76 of an Act entitled, 'An Act to provide for drainage for agricultural and sanitary purposes, and to repeal certain acts therein named,' approved June 27, 1885, in force July 1, 1885, as amended by act approved May 11, 1901, in force July 1, 1901.....	Passed House May 12.....
376	Mar. 2	Morris	An Act to prevent accidents in mines and other industrial plants and to conserve the resources of the State by the establishment of Illinois Miners' and Mechanics' Institutes and for the administration and support of the same.	Tabled April 21
377	Mar. 2	Morris	An Act making an appropriation for the establishment and maintenance of Illinois Miners and Mechanics Institutes	Tabled April 21
378	Mar. 2	O'Toole	An Act to promote the safety and comfort of passengers and employes, riding or traveling as such upon electric street railway cars, in cities having a population of over two hundred thousand (200,00) inhabitants; and providing for a penalty for the violation of the provisions of this Act.....	Passed House April 6.....
379	Mar. 2	Perkins	An Act to amend section 51 of an Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874, also amended by an Act approved Apr. 19, 1907, in force July 1, 1907....	Tabled May 12
380	Mar. 2	Perkins..... (By request)	An Act to amend sections 2, 2a, 2b, 3, 3a, 3b, 5, 9, and 11 of an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois, and to repeal an Act therein named," approved Apr. 24, 1899, in force July 1, 1899, as amended by Act approved June 4, 1907, in force July 1, 1907, as amended by Act approved Jan. 25, 1908, in force July 1, 1908.....	Tabled March 22
381	Mar. 2	Pervier..... (By request)	An Act requiring railroad companies to construct drains across their right of way.....	Tabled May 11
382	Mar. 2	Piercy	An Act forever debarring any candidate convicted of bribery from holding any office whatsoever in the State of Illinois	Tabled May 10
383	Mar. 2	Pitlock.....	An Act amending section two (2) of an Act entitled, "An Act to prohibit the use of clock, tape, slot or other machines or devices for gambling purposes;" approved and in force June 21, 1895.....	Tabled May 11

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
384	Mar. 2	Pitlock.....	An Act making it unlawful for any persons who are not citizens of the United States of America to operate, conduct or run, or to be in any way financially interested in, as stockholders, owners, partner or otherwise, any saloon, dramshop, or other place or business in which, under the law, a license is required by law to operate, conduct, or run same; rendering null and void any license hereafter issued to a person not a citizen of the United States of America, to operate, conduct or run any saloon, dram shop, or other place or business in which, under the law a license is required by law; and providing penalties for the violations of the provisions hereof.....	Tabled May 12
385	Mar. 2	Reid (By request)	An Act to prohibit persons holding offices requiring them to value or assess property for taxation from engaging in other business or occupation.....	Tabled May 12
386	Mar. 2	Reid	An Act providing for a commission to investigate and report upon systems of old age insurance	Tabled May 12
387	Mar. 2	Reid	An Act amending section 3 of an Act entitled, "An Act to exempt the homestead from forced sale, and to provide for setting off the same and to exempt certain property from attachment and sale on execution and from distress from rent," approved April 30, 1873, in force July 1, 1873	Tabled May 11
388	Mar. 2	Reid	An Act in relation to the trial, punishment, sentence and imprisonment of persons charged with crime	Passed House May 17...
389	Mar. 2	Richardson....	An Act regulating the handling of freight in carload lots by railroad companies, shippers and consignees, and imposing car service charges and penalties, for the use and detention of cars and failure to furnish cars and transport the same	Tabled May 11
390	Mar. 2	Scanlan.....	An Act in relation to the acquisition, control, maintenance, improvement and protection of State Parks, and making an appropriation to carry into effect the provisions of this Act.....	A law
391	Mar. 2	Scanlan.....	An Act to protect turnpike, gravel or macadam roads and to provide a penalty for its violation.....	Tabled April 27.....
392	Mar. 2	Scanlan.....	An Act to amend sections forty-two (42), forty-three (43) and fifty-six (56) of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, as amended	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
393	Mar. 2	Scanlan.....	An Act making an appropriation for the repair and reconstruction of bridges over and along the Illinois and Michigan Canal.....	Tabled May 12
394	Mar. 2	Scanlan.....	An Act making an appropriation for repairs to the locks, dykes and dams in and along the Illinois River, at Henry and Coperas Creek; and for the maintenance of navigation in and along such portions of the Illinois River as are under the jurisdiction of the Canal Commissioners.....	Tabled May 12
395	Mar. 2	Shanahan..... (by request)	An Act making an appropriation to defray the expenses of entertaining the President.....	A law
396	Mar. 2	Shaver	An Act to amend sections 21, 28, 43 and 67 of an Act entitled, "An Act to provide for the holding of primary elections by political parties," approved March 9, 1910, in force July 1, 1910....	Tabled May 12
397	Mar. 2	Shepherd..... (by request)	An Act making an appropriation for the Illinois Dairymen's Association ..	A law
398	Mar. 2	Shepherd..... (by request)	An Act in regard to limitations.....	Passed House May 11....
399	Mar. 2	Shepherd... (by request)	An Act to enable cities, towns and villages incorporated under any general or special law of this State to fix the rates and charges for the supply of gas and electricity furnished by any individual, company or corporation to any such city, town or village, and the inhabitants thereof.....	Tabled May 11
400	Mar. 2	Shepherd..... (by request)	An Act to authorize cities to acquire, construct, extend, own and operate and lease gas and electric light plants and systems, and to sell surplus gas and electricity and to provide for the management of such plants.....	Tabled May 11
401	Mar. 2	Simpson	An Act to regulate the marking, stamping, branding or imprinting of gold and silver.....	Tabled May 11
402	Mar. 2	Smiley...	An Act amending an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof and repealing an Act entitled, "An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois," approved May 13, 1903, in force July 1, 1903, and to repeal all other acts or parts of acts inconsistent herewith," approved May 28, 1907, in force July 1, 1907.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
403	Mar. 2	Stevenson	An Act to amend sections 2 and 4 of an Act entitled, "An Act to provide for the safety of persons employed in and about coal mines and to provide for the examination of persons seeking employment as coal miners, and to prevent the employment of incompetent persons as miners, and providing penalties for the violation of the same," approved June 1, 1908, in force July 1, 1908	Tabled March 29
404	Mar. 2	Swanson	An Act in relation to Notaries Public...	Tabled May 12
405	Mar. 2	Tice	An Act to amend "An Act for the protection of game, wild fowl and birds, and to repeal certain Acts relating thereto," approved April 28, 1903, in force July 1, 1903	Tabled May 12
406	Mar. 2	Tice	An Act regarding reinforced concrete bridges and providing for the filing of drawings of the same	Tabled May 12
407	Mar. 2	Tice	An Act to amend an Act entitled, "An Act to regulate the construction of bridges and culverts," approved April 21, 1899, in force July 1, 1899	Tabled May 12
408	Mar. 2	Tourtillott (by request)	An Act to amend section one (1) of an Act entitled, "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883; as amended by Act approved May 16, 1905, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907	Tabled May 12
409	Mar. 2	Tourtillott (by request)	An Act to amend section fourteen of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and as amended by an Act approved June 14, 1909, in force July 1, 1909	Tabled May 12
410	Mar. 2	Trimarco	An Act in relation to the use of basements or rooms lying wholly or partly beneath the surface of the ground as work rooms	A law
411	Mar. 2	Vickers	An Act making an appropriation to the State Fish Commission for the establishment of a rescue and pond culture station in Lake county for the rescue and culture of fresh water fish	Tabled May 12
412	Mar. 2	Watson	An Act to amend section twenty-one (21) of an Act entitled, "An Act to revise the law in relation to change of venue," approved March 25, 1874, in force July 1, 1874	Vetoed

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
413	Mar. 2	Werdell (by request)	An Act requiring corporations to publish notice of annual and special meetings of the stockholders and of all dividends.....	Tabled May 12
414	Mar. 2	Werdell..... (by request)	An Act to amend section 21 of article 2 of an Act entitled, "An Act to revise the law in relation to township organization," approved and in force March 4, 1874.....	Tabled March 16.....
415	Mar. 2	Werdell.....	An Act to amend an Act entitled, "'An Act to provide for the licensing of and against the evils arising from the sale of intoxicating liquors," approved March 30, 1874, in force July 1, 1874, as amended by Act approved May 18, 1877, in force July 1, 1877, as amended by an Act approved June 19, 1891, in force July 1, 1891.....	Tabled May 12
416	Mar. 2	Wheelan.....	An Act for the appointment of a commission to investigate and report on the preservation of certain lands for public parks for the State of Illinois, and to make an appropriation to pay the expenses of said commission.....	Tabled May 12
417	Mar. 2	Wilson, G. H. (by request)	An Act to prohibit persons not regularly licensed to practice law in the Courts of this State from preparing certain documents to be filed in County and Probate Courts and providing for the punishment thereof.....	Tabled May 12
418	Mar. 2	Provine.....	An Act to amend sections 32, 40, 41, 44, 46, 47, 48, 49, 51, 60, 73, 74, 79, 80, 83, 109, 111, 116 and 124 of an Act entitled, "An Act in relation to the practice and procedure in Courts of Record," approved June 3, 1907, in force July 1, 1907, as amended by subsequent Acts and to repeal section 53 thereof.....	Tabled May 12
419	Mar. 2	Provine.....	An Act to amend sections 13 and 14 of an Act entitled, "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public offices, to regulate the manner of holding elections and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891.....	Passed House May 5..
420	Mar. 2	Provine..... (by request.)	An Act to require owners and operators of coal mines, factories, work shops and mills to provide every mine and place where persons are employed in hazardous occupation with wash rooms for the use of the persons therein employed.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
421	Mar. 2	Richardson....	An Act to enjoin and abate houses of ill fame, lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purpose.....	Tabled March 23.....
422	Mar. 2	Perkins.....	An Act in relation to railroad engines..	Tabled May 12
423	Mar. 2	Harp	An Act making an appropriation for the Illinois Live Stock Breeders' Association.....	A law
424	Mar. 7	Chiperfield...	An Act creating a Rivers and Lakes Commission for the State of Illinois, and defining the duties and powers thereof.....	A law
425	Mar. 7	Curran	An Act to amend section five (5), nine (9), and ten (10) of an Act entitled, "An Act to provide for the licensing of and against the evils arising from the sales of intoxicating liquors," approved March 30, 1874, in force July 1, 1874.....	Tabled May 12
426	Mar. 7	Kleeman	An Act in relation to the Sanitary District of Chicago, to enlarge the powers of said district in relation to constructing and operating harbors, basins, canals and slips, and constructing, operating and leasing docks, piers and other harbor structures, facilities, improvements and utilities connected or operated in connection therewith; and in carrying out the powers of said district, to authorize the acquisition and condemnation of property and the acquisition, improvement and use of submerged and shore lands in and along Lake Calumet, and provide for the payment therefor; and granting said district certain rights and powers, and the riparian owners certain rights and titles in and to such submerged and shore lands...	Tabled March 16.....
427	Mar. 7	Etherton.....	An Act to amend section 2 of an Act entitled, "An Act providing for the payment of damages done by dogs," approved February 11, 1853, in force February 11, 1853.....	Tabled May 12
428	Mar. 7	Etherton.....	An Act to amend section 7 of an Act entitled, "An Act to extend the jurisdiction of County Courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, as amended by Act approved May 21, 1877, in force July 1, 1877	Tabled April 19

House Synopsis—Continued.

No	When introduced.	By Whom introduced.	Abstract of Title of Bill.	Disposition.
429	Mar. 7	Shanahan..... (by request)	An Act making an appropriation for the payment of the ordinary and contingent expenses of the State Game Department, from the first day of February, 1911, to the 30th day of June, 1911, now unprovided for by law.....	A law
430	Mar. 7	Montelius	An Act to prevent the sweeping of railroad cars with intent to steal, take or carry away grain or flax seed contained therein.....	Tabled May 12
431	Mar. 7	Shurtleff	An Act concerning fees and salaries of deputy sheriffs in counties of the first and second class	Tabled May 12
432	Mar. 7	Perkins	An Act to amend section 1 of an Act entitled, "An Act to provide for setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns in the State of Illinois, having a population of not less than 20,000 and not more than 50,000 inhabitants," approved June 14, 1909, in force July 1, 1909.....	Tabled May 2.....
433	Mar. 7	Blaha	An Act to provide for the levying of a road and bridge tax by the city council of incorporated cities, the boundaries of which are coextensive with the limits of any town.....	Tabled May 2.....
434	Mar. 7	O'Rourke	An Act to amend section 24 of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, as amended by Act approved April 26, 1909, in force July 1, 1909.....	A law
435	Mar. 7	Atwood.....	An Act authorizing the Governor to create a State Forestry Board and appoint a State Forester, and for the purchase of a white pine forest tract in Ogle county, to be known as "The Ogle County White Pine Forest Reserve and State Park," and appropriating moneys therefor.....	Tabled May 12
436	Mar. 7	ApMadoc.....	An Act to provide for and regulate the business of guaranteeing the payment of indebtedness secured by mortgage or deed of trust and the performance of covenants therein contained.....	Tabled April 7
437	Mar. 7	Shaver.....	An Act to provide for the collection and publication of judicial statistics ..	Passed House May 12....

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
438	Mar. 7	Green	An Act to appropriate the sum of two hundred thousand dollars (\$200,000), or so much thereof as may be necessary, for the purpose of constructing an armory building for the use of the Eighth Infantry, Illinois National Guard, located in Chicago, Cook county, Illinois, provided that there shall be deeded to the State suitable ground upon which to erect said armory, the site to be approved by the Governor and Adjutant General.....	Tabled April 13
439	Mar. 7	Miller, A. A. .	An Act to amend sections 4 and 5 of an Act entitled, "An Act to provide for the holding of primary elections by political parties for the nomination of members of the General Assembly and the election of senatorial committeemen"	Tabled May 12
440	Mar. 7	Miller, A. A. .	An Act to amend sections 6, 9 and 10 of an Act entitled, "An Act to provide for the holding of primary elections by political parties"	Tabled May 12
441	Mar. 7	Scanlan	An Act relating to insurance and permitting stock corporations organized under the laws of the State of Illinois to engage in the business of life, accident and health insurance; to regulate and control such business in this State; and to repeal all laws now existing which conflict with the provisions of this Act.....	A law
442	Mar. 7	Chiperfield ...	An Act to provide for the participation of the State of Illinois in the erection of a memorial and in a Perry's Victory Centennial Celebration, under the auspices of the national government and the states of Ohio, Pennsylvania, Michigan, Illinois, Wisconsin, New York, Rhode Island, Kentucky, Indiana and Minnesota, on Put-in-Bay Island, Ohio, during the year nineteen hundred and thirteen, in commemoration of the one hundredth anniversary of the battle of Lake Erie and the northwestern campaign of General William Henry Harrison in the war of eighteen hundred and twelve	Tabled May 12
443	Mar. 8	Judah	An Act in relation to the Municipal Court of Chicago, and to repeal certain acts therein named.....	Tabled April 13
444	Mar. 8	McNichols....	An Act to provide greater safety to life and property from loss by fire and explosions.....	Passed House May 11. . .

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
445	Mar. 8	Ryan.....	An Act to amend section 3 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by Act approved May 11, 1901, in force July 1, 1901, as amended by Act approved and in force May 16, 1903.....	Tabled March 22.....
446	Mar. 8	Kirkpatrick... (by request)	An Act to provide for the erection of statutes, or other monumental commemoration, to the officers from Illinois, who commanded corps, divisions or brigades during the campaign and siege of Vicksburg, Mississippi, and to make appropriation therefor ..	Passed House May 15....
447	Mar. 8	Bardill.....	An Act in relation to the breeding, propagation, protection, sale and transportation of game, wild fowl and birds	Tabled May 12
448	Mar. 8	McConnell....	An Act authorizing the extending of the term of duration of corporations in certain cases.....	A law
449	Mar. 8	Whiteaker.... (by request)	An Act to amend an Act entitled, "An Act to enable cities and villages to establish and regulate cemeteries," approved March 24, 1874, amended by an Act approved May 25, 1877, in force July 1, 1877; amended by an Act approved May 11, 1901, in force July 1, 1901, and amended by an Act approved and in force March 3, 1905, L. 1905, p. 83, Legal News Ed., p. 81	Tabled May 2.....
450	Mar. 8	Pierson..... (by request)	An Act to provide for an increase in the Judges of the Superior Court of the County of Cook and to fix the date of the primary for the nomination of candidates for said judicial offices in 1911.....	A law
451	Mar. 8	Simpson..... (by request)	An Act providing for the incorporation of burial insurance companies, specifying the requirements for the incorporation thereof; and for the transaction of the business of burial insurance; providing for examination of and reports by such incorporated companies; providing for a penalty for any violation of the provisions of this Act and excepting certain organizations from its operation.....	Tabled April 13

House Synopsis—Continued.

No.	When introduced.	By Whom introduced.	Abstract of Title of Bill.	Disposition.
452	Mar. 8	Vickers	An Act to amend section 1 of article 5 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, as amended by an Act approved and in force March 30, 1887; as amended by an Act approved and in force December 31, 1907, by adding thereto a new paragraph to be known as paragraph number ninety-seven	Tabled May 11
453	Mar. 8	Shepherd	An Act making an appropriation for paving South State street and the continuation thereof abutting the property of the Elgin State Hospital at Elgin, Illinois.	A law
454	Mar. 8	McGuire	An Act to provide for the contribution from public moneys to the public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants....	Tabled May 12
455	Mar. 8	McGuire	An Act to amend sections six (6) and seven (7) of an Act entitled, "An Act to provide for the formation and disbursement of a public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants," approved May 24, 1907, in force July 1, 1907.	Tabled May 12
456	Mar. 8	McGuire	An Act to provide for the formation and disbursement of a public school teachers' pension and retirement fund in cities having a population exceeding 25,000 inhabitants but not exceeding 200,000 inhabitants and having a board of education.	Tabled May 12
457	Mar. 8	Rapp, (by request)	An Act to repeal an Act entitled, "An Act to provide for the election of town clerks, township assessors and township collectors in counties under township organization and to fix their terms of office"	Tabled May 12
458	Mar. 8	Anderson, J.E. (by request)	An Act making it unlawful for high school pupils to belong to any secret organization in any way connected with public schools	Lost May 12
459	Mar. 8	Thompson....	An Act to establish the Illinois State Colony for Epileptics, for making an appropriation for the purchase of land and the construction of necessary buildings and to regulate the commitment of Epileptics thereto	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
460	Mar. 8	Committee on Education...	An Act to enable boards of education in cities having a population exceeding 100,000 inhabitants, to establish and maintain classes and schools for deaf, dumb, crippled, blind, truant, convalescent and incipient invalid children, and providing for the payment from the State treasury of the excess cost of maintaining and operating such classes and schools over the cost of maintaining and operating elementary schools for normal children	A law
61	Mar. 8	Committee on Education...	An Act to enable boards of education in cities having a population exceeding 100,000 inhabitants to establish and maintain classes and schools for dependent, neglected and delinquent children, committed by courts of competent jurisdiction and providing for the payment from the State treasury of the excess cost of maintaining and operating the said classes and schools over the cost of maintaining and operating elementary schools for normal children	A law
462	Mar.	Committee on Education...	An Act to amend an Act entitled, "An Act to establish a system of free schools," approved and in force June 12, 1909	A law
463	Mar. 9	O'Rourke	An Act to legalize the organization of certain cities, towns and villages under an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872	Passed House May 16....
464	Mar. 9	Jones	An Act to repeal section 4 of an Act entitled, "An Act to regulate the size and manner of construction of all caboose cars used by any person, receiver or corporation operating a line of railroad situated wholly or in part within the State, and providing a penalty in the event of failure," approved June 15, 1909, in force July 1, 1909	Tabled May 12
465	Mar. 9	Reid	An Act to provide for the appointment of a State engineer, the improvement of public highways and to provide for maintaining the same, and to create State aid roads, and furnish road building material therefor, and to furnish certain crushed stone free to townships and road districts for certain purposes	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
466	Mar. 9	McGuire	An Act to amend an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the incorporation of cities and villages,'" approved April 10, 1872, in force July 1, 1872, and all acts amendatory thereto by adding thereto Article XIII, approved March 9, 1910, in force July 1, 1910.....	Passed House May 16....
467	Mar. 9	Provine	An Act to amend section 7 of an Act entitled, "An Act to regulate the practice of Courts in Chancery," approved March 15, 1872, in force July 1, 1872....	Tabled April 6.....
468	Mar. 9	Sullivan, P. J.	An Act to provide for the licensing of mason contractors and employing masons and to regulate the safe and proper construction of buildings.....	Tabled May 12
469	Mar. 9	Murphy	An Act regulating the wearing apparel of females in public places and on public streets and thoroughfares.....	Tabled May 12
470	Mar. 10	Hull.....	An Act regulating the work of children under sixteen (16) years of age in the trade of boot-blackening and in the sale of newspapers, magazines, periodicals, books and merchandise in streets or public places, and in street trades and providing for the licensing of such children by Boards of Education	Tabled May 12
471	Mar. 10	Hamilton..... (by request.)	An Act for the relief of Hans Hansen Nelson	Tabled May 12
472	Mar. 10	Lyon	An Act to amend section four of an Act entitled, "An Act to establish a State Historical Library and Natural History Museum, to provide for its care and maintenance and to appropriate money therefor," approved May 25, 1877, in force July 1, 1877.....	A law
473	Mar. 10	Tice	An Act to amend an Act entitled, "An Act to regulate public warehouses and the warehousing and inspection of grain, and to give effect to article 13 of the Constitution of this State," approved April 25, 1871, in force July 1, 1871, and providing for the regulation of class "B" warehouses.....	Tabled May 12
474	Mar. 10	Tice	An Act creating the office of County Superintendent of Public Highways and prescribing his duties	Tabled May 12
475	Mar. 14	Blaha	An Act to prohibit the use of telephone instruments so constructed as to compel payment of service charge before user is connected with telephone called for	Tabled May 12
476	Mar. 14	Miller, G. A.	An Act to provide for the election and time of election of judges of the Superior Court of Cook County.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
477	Mar. 14	Bardill	An Act making an appropriation for the payment of the salaries of the State Game Commissioner, game wardens and deputy game wardens.....	Tabled May 12
478	Mar. 14	Bardill	An Act making an appropriation for the payment of the ordinary and contingent expenses of the State Game Department until the expiration of the first fiscal quarter after the adjournment of the next regular session of the General Assembly.....	Tabled May 12
479	Mar. 14	McConnell....	An Act to amend section four (4) of an Act entitled, "An Act to create sanitary districts and to remove obstructions in the DesPlaines and Illinois rivers," approved May 29, 1889, in force July 1, 1889; as amended by an Act approved June 10, 1895, in force July 1, 1895; as amended by an Act approved May 13, 1897, in force July 1, 1897; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 11, 1905, in force July 1, 1905; as amended by an Act approved May 13, 1905; in force July 1, 1905; as amended by an Act approved February 27, 1907, in force February 27, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907; as amended by an Act approved June 14, 1909, in force July 1, 1909.....	A law
480	Mar. 14	Alschuler	An Act entitled, "An Act to establish and maintain parks and parkways in towns and townships"	Tabled May 12
481	Mar. 14	Donahue	An Act to amend section seven of an Act entitled, "An Act to provide for the election and appointment of officers and employes of the General Assembly of the State and to fix their compensation" and declaring an emergency	Tabled March 29.....
482	Mar. 14	Tice.....	An Act to authorize any person owning land abutting a public highway to enclose and reclaim certain portions of such land lying wholly or in part within the confines of such public highway.....	Tabled May 12
483	Mar. 14	Scanlan	An Act making an appropriation for the payment of a special assessment levied against lots thirteen (13) and fourteen (14) in block fifty-seven (57), State's addition to City of Ottawa, La-Salle county, Illinois	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
484	Mar. 14	Judah..... (by request)	An Act to amend sections 2, 16, 17, 48, 48a and 63 of "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, in force July 1, 1905; submitted to the voters of the city of Chicago at the election held November 7, 1905; and adopted as amended by an Act approved June 3, 1907, in force July 1, 1907; adopted at the election held September 17, 1907.....	Tabled April 13
485	Mar. 14	Judah..... (by request)	An Act entitled, "An Act to amend an Act entitled, 'An Act in relation to a municipal court in the city of Chicago,' approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, 'An Act to amend an Act entitled, 'An Act in relation to municipal court in the city of Chicago,'" approved May 18, 1905.....	Tabled April 13
486	Mar. 14	McLaughlin..	An Act to amend sections 7, 9, 10 and 12 and to repeal section 11 of an Act entitled, "An Act to establish the Illinois State Reformatory, and making an appropriation therefor," approved June 18, 1891, in force July 1, 1891, as amended by an Act approved June 24, 1893, in force July 1, 1893, as amended by an Act approved June 9, 1897, in force July 1, 1897	Tabled May 12
487	Mar. 14	Conlon	An Act to amend section 1 of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by Act approved June 9, 1909, in force July 1, 1909.....	Tabled April 7.....
488	Mar. 14	Sullivan, D. J.	An Act to amend section 1 of an Act entitled, "An Act to revise the law in relation to the Department of Agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by Act approved June 9, 1909, in force July 1, 1909.....	Tabled April 7.....
489	Mar. 14	Chiperfield...	An Act permitting all ex-union, Spanish-American war, Philippine insurrection and boxer uprising in China soldiers and sailors, honorably discharged from the military or marine service of the United States, the right to vend, hawk and peddle goods, wares, fruits or merchandise not prohibited by law, in any county, town, village, incorporated city or municipality in the State of Illinois	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
490	Mar. 14	Chiperfield ...	An Act in relation to wearing the badge or emblem of the Grand Army of the Republic, the United Spanish War Veterans or the Army of the Philippines, to provide a penalty for a violation thereof, and to repeal a certain Act therein named	Tabled May 12
491	Mar. 14	Chiperfield ...	An Act to amend section 10½ of "An Act to regulate the civil service of cities," approved March 20, 1895, in force July 1, 1895, as amended May 6, 1897, in force July 1, 1897	Tabled May 12
492	Mar. 14	Donahue	An Act to establish probate courts in all counties having a population of sixty-five thousand (65,000) or more, to define the jurisdiction thereof, to regulate the practice therein and to fix the time for holding the same	Vetoed
493	Mar. 14	Smejkal	An Act providing for the registration of all births, still-births and deaths, by means of certificates thereof, and burial or removal permits; and requiring reports of said certificates to the Central Bureau of Vital Statistics as required to be established by the State Board of Health; And providing means for securing the thorough enforcement of this Act and requiring that necessary appropriations be made; and fixing penalties for violations thereof; and repealing all Acts and parts of Acts in conflict herewith.	Tabled May 16
494	Mar. 15	Committee on Judiciary ...	An Act to amend sections 25, 28 and 32 of an Act entitled, "An Act in regard to guardians and wards" approved April 10, 1872, in force July 1, 1872, as amended by an Act approved May 1, 1877, in force July 1, 1877	A law
495	Mar. 15	Shurtleff	An Act to create sanitary districts and to provide for sewage disposal and procuring a supply of water	A law
496	Mar. 15	Bardill	An Act to amend sections one (1), sixteen (16), twenty-five (25), twenty-eight (28) and thirty (30) of an Act entitled, "An Act for the protection of game, wild fowl and birds, and to repeal certain acts relating thereto," approved April 28, 1903, in force July 1, 1903, as amended by act approved May 13, 1905, in force July 1, 1905, as amended by act approved May 28, 1907, in force July 1, 1907, as amended by act approved June 15, 1909, in force July 1, 1909	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
497	Mar. 15	Smiley.....	An Act to amend an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof, and repealing an Act entitled, 'An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois,'" approved May 13, 1903, in force July 1, 1903, and to repeal all other acts or parts of acts inconsistent herewith. (Approved May 28, 1907, in force July 1, 1907.)	Tabled April 7.....
498	Mar. 15	Galligan	An Act to amend an Act entitled, "An Act to regulate the civil service of cities," approved and in force March 20, 1895, as amended by subsequent acts.....	Tabled May 12
499	Mar. 15	Roos.....	An Act to amend section 40 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by an Act approved March 28, 1874, in force July 1, 1874; and amended by an Act approved May 24, 1907, in force July 1, 1907	Tabled May 12
500	Mar. 15	Catlin.....	An Act to amend an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874, and all Acts amendatory thereof, by adding an additional section thereto, to be known as section 79a.....	Tabled April 13
501	Mar. 15	Tice	An Act to amend an Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof and repealing an Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois, approved May 13, 1903, in force July 1, 1903, and to repeal all other Acts or parts of Acts inconsistent herewith.....	Tabled April 7.....
502	Mar. 15	Strauss.....	An Act to amend section 1 of an Act entitled, "An Act to enable the corporate authorities of cities to establish and fix the salaries of city officers," approved and in force April 23, 1873.....	Tabled May 2.....
503	Mar. 15	Anderson, J. E.	An Act to create sanitary and sewage disposal districts	Tabled May 12
504	Mar. 15	Mitchell.....	An Act to enable park commissioners to enlarge park systems under their control by acquiring additional lands or territory for park purposes, and to pay for the lands or territories thus acquired	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
505	Mar. 15	O'Toole	An Act relating to the liability of employers to their employees, and relating to contracts between employers and their employees, in certain cases..	Tabled May 12
506	Mar. 16	Drainage and Waterways..	An Act to authorize the sanitary district of Chicago to construct, operate and maintain a harbor in Calumet Lake, and to make the necessary connection between said lake and the Calumet River or Calumet Harbor or Lake Michigan.....	Vetoed
507	Mar. 16	Shurtleff	An Act making appropriation for county fairs or other agricultural societies of the State of Illinois.....	Tabled May 12
508	Mar. 16	Shurtleff	An Act to amend section seven (7) of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs, and to provide for reports of the same," approved June 23, 1883, in force July 1, 1883, as amended by Act approved April 26, 1907, in force July 1, 1907.....	Tabled May 12
509	Mar. 16	McLaughlin..	An Act concerning corporations organized for profit in this State and in other States and doing business in Illinois, and to repeal all laws now existing which conflict therewith.....	Tabled May 12
510	Mar. 16	Harp	An Act to amend section 14 of an Act entitled, "An Act to regulate the practice of dental surgery and dentistry in the State of Illinois, and to repeal certain Acts therein named," approved June 11, 1909, in force July 1, 1909.....	Tabled May 12
511	Mar. 16	Kerrick	An Act to amend section 19 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883; as amended by Act approved June 17, 1891, in force July 1, 1891; as amended by Act approved June 14, 1909, in force July 1, 1909.....	Tabled May 12
512	Mar. 16	Dickman	An Act to amend section 8 of an Act entitled, "An Act concerning local improvements," approved June 14, 1897, in force July 1, 1897, and all amendments thereto	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
513	Mar. 16	Pierson (By request)	An Act to amend sections 4, 5, 7, 9, 10, 11 and 12 of an Act entitled, "An Act to regulate the practice of pharmacy in the State of Illinois, to make an appropriation therefor and to repeal certain Acts therein named," approved May 11, 1901, in force July 1, 1901, as amended by Act approved June 3, 1907, in force July 1, 1907, and to add thereto a new section to be known as section 15a.	Tabled May 11
514	Mar. 16	Miller, G. A. . (By request)	An Act to amend section 1 of an Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns in the State of Illinois, having a population of not less than 20,000 and not more than 50,000 inhabitants. Approved June 14, 1909, in force July 1, 1909.	Tabled May 12
515	Mar. 16	Carter	An Act to amend sections three (3), five (5), forty (40) and forty-one (41) and to add a new section to be known as section twenty-eight and one-half (28½) respectively to an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees, across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1895; in force July 1, 1895; as amended by an Act approved May 10, 1901, in force July 1, 1901; as amended by an Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907; as amended by an Act approved and in force May 29, 1909.	Tabled May 12
516	Mar. 16	Shaver	An Act to amend section one (1) of an Act entitled, "An Act concerning fees and costs," approved June 15, 1887, in force July 1, 1887.	Tabled March 23
517	Mar. 21	Mathis	An Act to amend sections 2, 3, 4 and 5 of division 14 of an Act to revise the law in relation to criminal jurisprudence, approved March 27, 1874, in force July 1, 1874.	Tabled May 12
518	Mar. 21	Smiley	An Act to amend section 1 of an Act entitled, "An Act to enable cities to establish and maintain public hospitals," approved June 17, 1891, in force July 1, 1891; as amended by Act approved May 25, 1907, in force July 1, 1907.	A law,

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
519	Mar. 21	Miller, A. A. (by request)	An Act to relieve lands from the inchoate right of dower.	Tabled May 10
520	Mar. 21	Piercy	An Act in relation to bribery.	Tabled May 12
521	Mar. 21	Murphy	An Act defining what shall constitute a public stockyard or stockyards defining the duties of the person or persons operating the same and to regulate all charges thereof and prescribing a penalty for the violation of the provisions thereof.	Tabled May 11
522	Mar. 21	Shanahan (by request)	An Act making an appropriation to meet the deficiency in the appropriation for the payment of public binding under contract by the State of Illinois.	A law
523	Mar. 23	Judah	An Act to amend section 3 of part two of an Act entitled, "An Act to amend an Act entitled, 'An Act to provide for the incorporation of cities and villages,'" approved April 10, 1872, as amended by subsequent Acts approved May 18, 1905, in force July 1, 1905.	Tabled May 12
524	Mar. 21	Abbey	An Act to amend An Act for the protection of game, wild fowl and birds and to repeal certain Acts relating thereto, approved April 28, 1903, and in force July 1, 1903, as amended by an Act approved May 18, 1905, in force July 1, 1905, as further amended by an Act approved May 28, 1907, in force July 1, 1907, as further amended by an Act approved June 15, 1908, in force July 1, 1909.	Tabled May 12
525	Mar. 21	McLaughlin	An Act for the relief of Albert Koukalik.	Tabled May 12
526	Mar. 21	Carter	An Act to regulate rates on excess baggage.	Tabled May 11
527	Mar. 21	Groves (by request)	An Act to amend section 37 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872; in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874.	Tabled May 12
528	Mar. 21	Moore (by request)	An Act to prohibit public theatrical, dramatic or operatic entertainments, shows, amusements, field games and other public exhibitions for private gain within certain limits and providing penalties for the violation thereof.	Tabled May
529	Mar. 21	Committee on Corporations	An Act to provide for the incorporation of coöperative associations for pecuniary profit.	Passed House April 20.
530	Mar. 22	Education	An Act to provide for the certification of teachers.	Tabled April 11.

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
531	Mar. 22	Municipal Corporations	An Act to authorize cities and villages, which include wholly within their corporate limits, a town, or towns, to levy for street purposes a tax in addition to the tax of one and two-tenths (12-10) per centum upon the aggregate valuation of all property within such city, village or incorporated town, as now prescribed by law.....	A law
532	Mar. 22	Municipal Corporations..	An Act to amend an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns." approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903, as amended by an Act approved and in force April 19, 1907.....	A law
533	Mar. 22	Shurtleff	An Act to regulate public warehouses, and the warehousing and inspection of grain and to give effect to article thirteen of the Constitution of this State.....	Passed House May 16....
534	Mar. 22	Miller, G. A..	An Act to amend section 1 of an Act entitled, "An Act declaring certain animals and birds ferae nature to be personal property." Approved April 10, 1877, and in force July 1, 1877.....	Tabled May 12
535	Mar. 22	Scanlan.....	An Act to amend section 1 of an Act entitled "An Act to authorize the judges of the Circuit Courts to appoint shorthand reporters for the taking and preservation of evidence and to provide for their compensation." Approved May 31, 1887, in force July 1, 1887.....	Tabled May 12
536	Mar. 22	Tucker.....	An Act to amend sections one, two, three and four of an Act entitled, "An Act to authorize recorders of deeds in counties where recorders of deeds are elected to keep abstract books, to make abstracts of title, and fixing the fees and compensation therefor, and to repeal an Act therein named," approved May 14, 1903, in force July 1, 1903.....	Tabled April 6.....
537	Mar. 22	Wright.....	An Act to amend section 1 of an Act entitled, "An Act to provide for setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns, in the State of Illinois, having a population of not less than 20,000 and not more than 50,000 inhabitants," approved June 14, 1909, in force July 1, 1909, L. 1909, p. 133, so as to read as follows.....	Vetoed

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
538	Mar. 22	Miller, A. A. (by request)	An Act to amend section twenty-seven (27) of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by an Act approved May 16, 1905, in force July 1, 1905, as further amended by Act approved June 14, 1909, in force July 1, 1909.....	Tabled March 30.....
539	Mar. 22	Anderson, J. E. (by request)	An Act to provide for the organization of water districts to enable certain territory to procure pure water.....	A law
540	Mar. 23	Live Stock and Dairying.....	An Act to amend an Act entitled, "An Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals," approved June 14, 1909, in force July 1, 1909	Passed House April 20...
541	Mar. 23	Miller, A. A..	An Act to provide for the release of sureties on the bonds of certain trustees	A law
542	Mar. 23	Ostrom	An Act to amend section 1 of an Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois, approved December 6, 1907, in force July 1, 1908, as said section 1 was amended by Act approved and in force February 8, 1909.	Tabled May 12
543	Mar. 23	Covey	An Act to create a State Text Book Commission and County Text Book Commissions, and regulate the approval, adoption, sale and use of text books in the public schools of this State.....	Passed House May 16....
544	Mar. 23	Pervier	An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein.....	A law
545	Mar. 23	Pervier	An Act to amend sections 4 and 6 of an Act entitled, "An Act to establish the mining investigation commission of the State of Illinois, and prescribing its powers and duties and making an appropriation therefor," approved June 10, 1909, in force July 1, 1909.....	Tabled April 27
546	Mar. 23	Pervier	An Act entitled, "An Act in relation to sinking, filling and operating of oil or gas wells," approved and in force May 16, 1905	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
547	Mar. 23	Pervier (by request)	An Act to amend sections 2, 4, 5, 6 and 7 of an Act entitled, "An Act to require fire fighting equipment and other means for the prevention and controlling of fires and the prevention of loss of life from fires in coal mines," approved March 8, 1910, in force March 8, 1910.....	A law
548	Mar. 23	Pervier (by request)	An Act to promote the safety of persons and property in coal mines by regulating the character of black blasting powder sold to be used in coal mines.....	A law
549	Mar. 23	Mitchell (by request)	An Act to amend section five (5) of an Act entitled, "An Act to regulate the manufacture, transportation and sale of explosives, and to punish an improper use of the same," approved June 16, 1887, in force July 1, 1887.....	Tabled May 12
550	Mar. 23	Karch (by request)	An Act to amend section twenty-seven (27) of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by an Act approved May 16, 1905, in force July 1, 1905, as further amended by Act approved June 4, 1909, in force July 1, 1909.....	Tabled May 12
551	Mar. 23	McParland	An Act making appropriation to defray the expenses of the funeral of the late representative, Frank C. Burke.....	A law
552	Mar. 23	Tice (by request)	An Act to amend section 2 of an Act entitled, "An Act to enable associations of persons to become a body corporate to raise funds to be loaned only among the members of such association," in force July 1, 1879.....	Tabled May 12
553	Mar. 23	Murphy.....	An Act to regulate demurrage and car service charges by railroads and common carriers, and to place control of the same under the jurisdiction of the Illinois Railroad and Warehouse Commission.....	Tabled May 11
554	Mar. 23	Donahue.....	An Act to provide for the creation of a commission in relation to common carriers, transportation companies, railroads, express companies, telegraph companies, telephone companies and public warehouses, to provide for nomination and election of commissioners by the qualified voters of the State, to provide for the recall of the commissioners, to prescribe and define the powers and duties of such commission and to prescribe penalties for violation of the provisions of this Act and to repeal all Acts and parts of Acts inconsistent with this Act.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
555	Mar. 23	D. J. Sullivan	An Act amending section 6 and 7-A of an Act entitled, "An Act to provide for the punishment of persons, co-partnerships or corporations forming pools, trusts, and combines and mode of procedure and rules of evidence in such cases," approved June 11, 1891, in force July 1, 1891, and as amended by an Act approved June 20, 1893, in force July 1, 1893.....	Tabled May 11
556	Mar. 23	Dudgeon.....	An Act authorizing and empowering county boards to employ and pay a stenographer, and to legalize and make valid the acts of county boards heretofore done in employing and paying stenographers.....	A law
557	Mar. 28	Smejkal.....	An Act to regulate and prescribe the height at which combustible material may be manufactured in this State....	Tabled May 12
558	Mar. 28	Shanahan..... (by request)	An Act making an appropriation to pay for additional clerical services in the office of the Auditor of Public Accounts until July 1, 1911.....	A law
559	Mar. 28	Montelius.....	An Act to amend sections 21 and 43 of "An Act to provide for drainage for agricultural and sanitary purposes and to repeal certain acts therein named," Approved June 27, 1885, in force July 1, 1885	Tabled April 28
560	Mar. 28	Swanson..... (by request)	An Act to amend section 1 of article 5 of, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and in force July 1, 1872, as amended by an Act approved and in force March 30, 1887, as amended by an Act approved and in force December 31, 1907	Tabled April 19
561	Mar. 28	Lyon.....	An Act to amend section 97 of, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and amendments thereto.....	Tabled May 12
562	Mar. 28	Kinsella	An Act to amend sections 12, 18, 19, 20, 99 and 108 of an Act entitled, An Act concerning land titles," approved and in force May 1, 1897.....	Passed House May 12....
563	Mar. 28	McLaughlin..	An Act concerning corporations organized for profit in this State and in other States and doing business in Illinois, and to repeal all laws now existing which conflict therewith.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
564	Mar. 29	Judiciary.....	An Act to amend section seven of an Act entitled, "An Act to provide for the election and appointment of officers and employes of the General Assembly of the State and to fix their compensation and declaring an emergency".....	Tabled May 2
565	Mar. 29	Shurtleff.....	An Act to amend section 33a of an Act entitled, "An Act concerning local improvements," approved June 14, 1897; in force July 1, 1897.....	Passed House May 5.....
566	Mar. 29	Carter.....	An Act to provide by State tax for a fund for the support and maintenance of the University of Illinois.....	Tabled May 10
567	Mar. 29	Karch..... (by request.)	An Act in relation to confessions and other incriminating statements made by persons charged with or suspected of having committed criminal offenses.....	Passed House May 10.....
568	Mar. 29	Karch..... (by request.)	An Act to amend section three of an Act entitled, "An Act to provide for changing the names, for changing the places of business, for increasing or decreasing the capital stock, for increasing or decreasing the number of directors, for enlarging or changing the object for which such corporations were formed and for the consolidation of incorporated companies," approved and enforced March 26, 1873, as amended by an Act approved June 6, 1889, enforced July 1, 1889.....	Tabled May 12
569	Mar. 29	Karch.. .. (by request.)	An Act to amend section seventeen (17) of an Act entitled, "An Act to establish Appellate Courts," approved June 2, 1877, in force July 1, 1877, and as amended by an Act of the General Assembly approved June 27, 1885, in force July 1, 1885.....	Tabled April 19
570	Mar. 29	Tice.....	An Act to prohibit the use of a common drinking cup in public and private schools, state educational institutions, halls used for public meetings or entertainments, hotels, lodging houses, theatres, factories or public or municipal buildings, on railroad trains and stations and in other public places in the State of Illinois.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced	Abstract of Title of Bill.	Disposition.
571	Mar. 29	Roos..	An Act to amend section 1 of an Act entitled, "An Act authorizing and empowering fraternal beneficiary societies now organized and existing, or hereafter organized, under and by virtue of the laws of the State of Illinois, or any such society organized and existing under and by virtue of the laws of any other state, province or territory, and now or hereafter admitted to do business within this State, to create, maintain and operate for the benefit of its sick, disabled or distressed members and their families and dependents, hospitals, asylums and sanatoriums," approved May 10, 1909.....	A law
572	Mar. 29	Judah..... (by request.)	An Act to provide for the sale of personal property by persons, firms, corporations, or others who have expended work and labor thereon, when the legal charges for such work and labor remain unpaid.....	Tabled May 12
573	Mar. 30	Martin	An Act to amend sections one (1) and two (2) of Article VI of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 16, 1872, in force July 1, 1872.....	Tabled May 16
574	Mar. 30	Jones..... (by request.)	An Act to provide for a bounty for killing hawks and crows, and to repeal all laws inconsistent herewith.....	Tabled May 12
575	Mar. 30	Montelius ..	An Act to amend sections 17½, 26½ and 37 of an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts," approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved and in force May 20, 1907; and as amended by an Act approved and in force from May 29, 1909.	Vetoed
576	Mar. 30	Montelius ..	An Act to amend section 1 of an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to the erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905; as amended by an Act approved May 20, 1907, in force July 1, 1907.....	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
577	Apr. 5	Committee on Corporations	An Act defining and regulating express companies and carriers by express operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission....	A law
578	Apr. 5	Pierson	An Act for the protection of candidates for public office	Tabled May 12
579	Apr. 5	Pervier	An Act to extend the jurisdiction of County Courts and to vest the same with full power and control over testamentary trusts	Tabled May 2
580	Apr. 5	King	An Act to extend the jurisdiction of County Courts so as to include the supervision and control of testamentary trusts	Tabled May 12
581	Apr. 5	Swanson	An Act entitled, "An Act to amend section 1 of an Act entitled, 'An Act in regard to garnishment'", approved March 9, 1872, in force July 1, 1872....	Tabled May 12
582	Apr. 5	Hollenbeck...	An Act entitled, "An Act to amend section 34½ of an Act entitled, 'An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts'", approved and in force May 29, 1879; as amended by an Act approved June 30, 1885, in force July 1, 1885; as amended by an Act approved June 4, 1889, in force July 1, 1889; as amended by an Act approved June 24, 1893, in force July 1, 1893; as amended by Act approved May 10, 1901, in force July 1, 1901; as amended by Act approved May 14, 1903, in force July 1, 1903; as amended by an Act approved and in force May 20, 1907; as amended by an Act approved and in force May 29, 1909.....	Tabled May 12
583	Apr. 6	Miller, G. A. (by request)	An Act to amend section 1 of, "An Act creating attorney's lien and for enforcement of same," filed June 16, 1909, and in force July 1, 1909.....	Tabled May 10
584	Apr. 6	Miller, G. A. (by request)	An Act to amend section 1, 4 and 7 of an Act entitled, "An Act relating to private employment agencies and to repeal parts of a certain Act relating thereto," approved June 15, 1909, in force July 1, 1909.....	Tabled May 10
585	Apr. 6	Hagan	An Act for the prevention of gift or lottery enterprises.....	Passed House May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
586	Apr. 6	Hamilton.....	An Act to provide by State tax for a fund for the support and maintenance of the University of Illinois	A law
587	Apr. 6	Whiteaker....	An Act entitled, "An Act to prevent fraud in the sale of clothing and fabrics."	Passed House May 16....
588	Apr. 6	Rapp (by request)	An Act to provide for the voluntary dissolution of villages, and to provide for the means of closing up the affairs of said village.....	A law
589	Apr. 6	Kelly	An Act to amend section 3, 5, 23 and 34 of an Act entitled, "An Act in relation to the penitentiary at Joliet, to be entitled, "An Act to provide for the management of the Illinois State Penitentiary at Joliet," Approved June 16, 1871, in force July 1, 1871, as amended by Act approved June 7, 1897, in force July 1, 1897.....	A law
590	Apr. 6	Tice	An Act providing for the appropriation and distribution of the State public highway and bridge fund among the various counties of the State for road and bridge purposes therein.....	Passed House May 15....
591	Apr. 6	Swanson..... (by request)	An Act to define personal property brokers and regulate their charges and business and to provide penalties for the violation of certain provisions thereof.....	Tabled April 19
592	Apr. 6	Foste	An Act making an appropriation for the payments paid to the State Treasurer for license to fish under section 21 of Act entitled, "An Act to encourage the propagation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish commissioners, fixing their compensation, providing penalties of the violation of the provisions thereof," passed by the General Assembly of 1907, and known as House Bill Number 834.....	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
593	Apr. 7	Committee on Roads and Bridges.....	An Act defining motor vehicles and providing for the licensing and registering of the same and uniform rules regulating the use and speed thereof; establishing certain license fees for such motor vehicles and providing for the covering of all such fees collected into the State Treasury, and providing further for their distribution and application for the permanent improvement of the public highways of the State; prohibiting the use of motor vehicles without the consent of the owner and the offer or acceptance of any bonus or discount or other consideration for the purchase of supplies or parts for any such motor vehicle or for work or repairs done thereon by others, and defining chaffeurs and providing for the examination and licensing thereof, and repealing an Act entitled, "An Act defining motor vehicles and providing for the registration of the same and uniform rules regulating the use and speed thereof," and repealing an Act, "An Act to regulate the speed of automobiles and other horseless conveyances upon the public streets, roads and highways of the State of Illinois;" approved May 13, 1903, in force July 1, 1903, and to repeal all other acts or parts of acts inconsistent herewith, filed May 28, 1907, and in force July 1, 1907, as amended by acts approved June 10, 1909, and June 11, 1909, in force July 1, 1909, and to repeal all other acts or parts of acts inconsistent herewith.....	A law
594	Apr. 7	Committee on County and Township Organization	An Act to amend section 93 of article 9 of an Act entitled, "An Act to revise the law in relation to township organization," approved March 4, 1874, in force March 4, 1874.....	Tabled May 12
595	Apr. 7	Committee on County and Township Organization	An Act to amend section fifty-one (51) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874....	Tabled May 12
596	Apr. 7	Committee on Temperance	An Act to define prohibition territory and prohibit the keeping for sale of intoxicating liquor therein and to provide for searching for, seizing and confiscating intoxicating liquor so kept.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
597	Apr. 7	Miller, D. B.	An Act to amend section 12 of an Act entitled, "An Act to establish and create, at the University of Illinois, a bureau to be known as the State Geological Survey, defining its duties and providing for the preparation and publication of its reports and maps to illustrate the natural resources of the State, and making appropriation therefor," approved May 12, 1905, in force July 1, 1905	Tabled April 21
598	Apr. 7	Donahue..... (by request)	An Act to amend section 2 of an Act entitled, "An Act requiring compensation for causing death by wrongful act, negligence or default," approved February 12, 1853, in force February 12, 1853, and as amended by an Act approved May 13, 1903, in force July 1, 1903	Tabled May 12
599	Apr. 7	Rapp	An Act to secure uniformity in text books for the public schools of the State of Illinois, to limit prices thereof, and creating a commission therefor	Tabled May 12
600	Apr. 7	Moore	An Act concerning fees and salaries of deputy sheriffs in counties of the first and second class	Tabled May 12
601	Apr. 7	Shurtleff	An Act to fix the compensation of the Clerk of the Supreme Court and to provide for the payment of the fees of his office into the State Treasury	Passed House May 12....
602	Apr. 7	Church	An Act to regulate the carriage of coal. (by request)	Tabled May 11
603	Apr. 7	Church	An Act prohibiting the publication of any detailed account, statement or description of crimes, or any indecent acts or conduct in any book, newspaper, magazine, or any other written or printed publication and providing a penalty therefor	Vetoed
604	Apr. 11	Miller, D. B.	An Act to prohibit the increase of the natural flow of natural gas by pump or other artificial appliance	Tabled May 12
605	Apr. 12	Bolin	An Act in relation to commissioners of highways	Tabled May 12
606	Apr. 12	Scanlan	An Act fixing the bounty to be paid by counties on wolf scalps	Tabled May 12
607	Apr. 12	Lewis..... (by request)	An Act to amend sections one hundred eighty-nine (189) and one hundred ninety (190) of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, in force July 1, 1874..	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
608	Apr. 12	Carter.....	An Act to add a section to An Act to establish and maintain a system of free schools, approved June 12, 1909, said added section to be known as No. 275a.....	Vetoed
609	Apr. 12	Kinsella	An Act to amend section 42a of an Act entitled, "An Act to prevent and punish wrongs to children," approved May 17, 1877, in force July 1, 1877, as amended by Act approved June 21, 1895, in force July 1, 1895, and by adding thereto two new sections to be known respectively as section 42aa and section 42aaa	Tabled May 11
610	Apr. 13	Flannigan	An Act to amend section fifty (50) of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereto by adding thereto Article XIII." Approved March 9, 1910, so as to make said section 50 read as follows:.....	Tabled May 12
611	Apr. 13	Committee on Insurance...	An Act in relation to burial insurance societies	A law
612	Apr. 13	McConnell...	An Act enlarging the duties of the County Surveyor so as to include therein the Superintendent of Public Roads and Highways, and prescribing the duties added thereto	Tabled May 12
613	Apr. 13	Committee on Temperance	An Act to provide for the creation by popular vote of residence district within which the sale of intoxicating liquor and the licensing of such sale shall be prohibited and for the abolition by like means of such district so created.....	Tabled May 12
614	Apr. 13	Committee on Labor and Industrial Affairs.....	An Act in relation to the assignment of wages.....	Tabled May 12
615	Apr. 13	Committee on Municipal Courts.....	An Act to amend an Act entitled, "An Act in relation to a municipal court in the city of Chicago," approved May 18, 1905, as amended by an Act approved June 3, 1907, entitled, "An Act to amend an Act entitled, "An Act in relation to a municipal court in the City of Chicago," approved May 18, 1905.....	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
616	Apr. 13	Committee on Railroads....	An Act to amend sections 2, 3, 4, 5, 6, 7, 8, 10, 11, 11½, 13, 16, 17, 18 and 19 of an Act entitled, "An Act to establish a board of Railroad and Warehouse Commissioners, and prescribe their powers and duties, (approved April 13, 1871; in force July 1, 1871), and also by adding to said Act new sections numbered 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36".....	A law
617	Apr. 13	Committee on Railroads....	An Act providing for an additional method of raising, lowering and changing of railroads in cities having a population of one hundred thousand inhabitants or less.....	Passed House May 16....
618	Apr. 13	Ryan..... (by request)	An Act regulating banking institutions and defining dormant deposits.....	Tabled May 12
619	Apr. 13	Ryan..... (by request)	An Act regulating the business of safety deposit concerns	Tabled May 12
620	Apr. 20	Wall.....	An Act to amend section five (5) of an Act in relation to mechanics' liens, approved May 18, 1903, in force July 1, 1903	Tabled April 28
621	Apr. 13	Flagg	An Act to amend "An Act to provide for the annexation of cities, incorporated towns and villages, or parts of same, to cities, incorporated towns and villages," approved and in force April 25, 1889, by adding a section thereto to be designated as section 211a	Tabled May 4
622	Apr. 13	Watson	An Act to amend section thirteen (13) of an Act entitled, "An Act in relation to practice and procedure in courts of record,," approved June 3, 1907, in force July 1, 1907	A law
623	Apr. 13	Reid	An Act in relation to the trial, punishment, imprisonment, sentence and parole of persons tried for and convicted of crime, and providing for a system of parole for such persons.....	Passed House May 12....
624	Apr. 13	Donahue.	An Act to amend section 45 of an Act entitled, "An Act to establish and maintain a system of free schools," approved and in force June 12, 1909...	A law
625	Apr. 13	McLaughlin..	An Act to amend an Act entitled, "An Act to revise the law in relation to liens," approved March 25, 1874, in force July 1, 1874, as amended by an Act approved May 18, 1903. In force July 1, 1903, by adding thereto a new section to be known as section 40a, and also to amend section 41 of said Act....	Tabled May 11

House Synopsis—Continued.

No	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
626	Apr. 13	Strauss.....	An Act regulating the operation of trains on all steam and electric railroads....	Tabled May 11
627	Apr. 13	Leavitt.....	An Act to provide for repairing the Anna B. Millikin Home, at Decatur, Illinois, to build an addition thereto and furnishing the same, and beautifying the grounds.....	Tabled May 12
628	Apr. 19	ApMadoc	An Act to promote the public safety by providing against the dangers of fire.	Tabled May 12
629	Apr. 19	Shanahan..... (by request)	An Act creating the Chicago Psychopathic Hospital	Tabled May 12
630	Apr. 19	Shanahan..... (by request)	An Act providing for the locating, constructing and completing of a State Hospital for the Insane and providing for the creation thereof	A law
631	Apr. 19	Shanahan..... (by request)	An Act making appropriations for new buildings and new institutions to care for the insane and epileptic.....	Tabled May 3
632	Apr. 19	Anderson, J. E.....	An Act to prohibit the manufacture and sale of intoxicating liquors for beverage purposes and to regulate the sale thereof for medicinal, chemical, mechanical and sacramental purposes and to provide penalties for the violation thereof.....	Tabled May 12
633	Apr. 19	Mitchell	An Act making it a felony for any corporation, association, co-partnership, person or persons to deal upon any Board of Trade or the quotations thereof in puts and calls, ups and downs, purchases and sales, bids and offers or indemnities.....	Tabled May 12
634	Apr. 19	Judicial Department and Practice.	An Act to define personal property brokers and regulate their charges and business and to provide penalties for the violation of certain provisions thereof.....	Tabled May 12
635	Apr. 19	Bardill	An Act authorizing the Board of Fish Commissioners to make provision for the conservation and disposal of fish in sloughs, lakes, and water courses from which water has receded or is being drained.....	Tabled May 12

House Synopsis—Continued.

No	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
636	Apr. 20	Coolley.....	An Act to amend section four A (4a) of an Act entitled, "An Act to authorize the construction and maintenance of gravel, rock, macadam or other hard roads," approved June 18, 1883, in force July 1, 1883; as amended by Act approved May 16, 1905, in force July 1, 1905; as amended by Act approved June 3, 1907, in force July 1, 1907; as amended by Act approved June 14, 1909, in force July 1, 1909.....	Tabled May 12
637	Apr. 20	Holaday	An Act to amend section thirty-four (34) of an Act entitled, "An Act in relation to the penitentiary at Joliet," to be entitled, "An Act to provide for the management of the Illinois State Penitentiary at Joliet," approved June 16, 1871, in force July 1, 1871, as amended by Act approved June 7, 1897, in force July 1, 1897.....	Tabled April 27
638	Apr. 20	Holaday	An Act to amend section 66 and section 67 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907.....	Tabled May 12
639	Apr. 20	Montelius	An Act to amend sections one (1) and four (4) of article 2, section one (1) of article 3, section eighteen (18) of article 5, section one (1) of article 16, and section one (1) of article 18, of an Act entitled, "An Act to revise the law in relation to Justices of the Peace and Constables," approved June 26, 1895, in force July 1, 1895	Tabled May 12
640	Apr. 20	Moore	An Act to regulate and prohibit the misbranding or the non-branding of food products other than hermetically sealed canned goods.....	Tabled May 12
641	Apr. 20	Committee on Appropriations.....	An Act making appropriations for equipment and the erection of buildings for the University of Illinois.....	A law
642	Apr. 20	Committee on Appropriations.....	An Act making appropriations for the maintenance and extension of the various departments of the University of Illinois.....	A law
643	Apr. 20	Anderson, W. E.....	An Act to prevent person or persons from making false statements to employers regarding their employes, and providing a penalty therefor.....	Tabled May 11

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
344	Apr. 21	Committee on Elections	An Act to regulate nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed, and providing penalties for the violation of this Act	Tabled May 12
345	Apr. 21	Pierson	An Act to amend section 1 of an Act entitled, "An Act to provide for changing the names, for changing the places of business, for increasing or decreasing the capital stock, for increasing or decreasing the number of directors, for enlarging or changing the objects for which such corporations were formed and for the consolidation of incorporated companies," approved and in force March 26, 1872, as amended by an Act approved June 6, 1889, in force July 1, 1889, and as amended by an Act approved May 16, 1903, in force July 1, 1903	Tabled May 12
346	Apr. 21	Moore	An Act to prohibit trespassing upon the lands, waters or possessions of another for the purposes of hunting, trapping or fishing with net or seine, and providing a penalty therefor	Tabled May 12
347	Apr. 25	Ried	An Act to amend "An Act to revise the law in relation to the Criminal Court of Cook county," (approved February 12, 1874, in force July 1, 1874) by adding sections 7, 8, 9, 10, 11, 12, 13 and 14	Tabled May 12
348	Apr. 25	Hull	An Act to amend section 1 of an Act entitled, "An Act concerning museums in public parks," approved June 17, 1893, in force July 1, 1893, as amended by an Act of the General Assembly, approved May 14, 1903, in force July 1, 1903	A law
349	Apr. 25	Montelius	An Act to amend an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, by adding to article 3 a new section to be known as section 2a	A law
350	Apr. 25	Bolin	An Act to amend an Act entitled, "An Act to provide for the erection, maintenance and operation of pumping plants in certain drainage and levee districts and to legalize and validate former proceedings, bond issues, indebtedness and expenditures in regard to, on account of, or with a view to the erection, maintenance and operation of such pumping plants," approved and in force May 13, 1905, as amended by Act approved May 20, 1907, and in force July 1, 1907	A law

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
651	Apr. 25	Hilton	An Act in relation to camps	Tabled May 12
652	Apr. 25	McParland....	An Act making an appropriation for the payment of the salary of Representative Thomas H. Donoghue, member of the 47th General Assembly, elected to fill vacancy at special election	A law.....
653	Apr. 25	Smejkal	An Act to amend section 12 of an Act entitled, "An Act to revise the law in relation to fugitives from justice," approved February 16, 1874, in force July 1, 1874, so as to embrace therein the crime of kidnaping	A law.....
654	Apr. 26	Committee on Corporations	An Act to amend section 1 of an Act entitled, "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by Act approved April 19, 1879, in force July 1, 1879	Tabled May 12
655	Apr. 27	Marcy..... (by request)	An Act to provide for the appointment of women on certain Commissions, Boards and Trustees.....	Tabled May 4.....
656	Apr. 27	Appropriations	An Act making appropriations for the ordinary and other expenses of the State Charitable Institutions herein named	A law.....
657	Apr. 27	Appropriations	An Act making appropriations for the State Charitable Institutions herein named	A law.....
658	Apr. 28	Dudgeon	An Act creating the office of Supervising engineer for the General Assembly, its members and Committees and the Board of Administration of the State of Illinois, and fixing his compensation	A law.....
659	May 2	Shurtleff	An Act to make an appropriation to the State Milk Producers' Institute. An Act to appropriate \$1,000 for the Milk Producers' Institute of Illinois.....	A law.....
660	May 2	Committee on Judicial Department and Practice	An Act to extend the jurisdiction of County Courts and to vest the same with full power and control over testamentary trusts	Vetoed.....
661	May 3	Mitchell	An Act to regulate the Civil Service of Sanitary Districts created under an Act entitled, "An Act to create Sanitary Districts, and to remove obstructions in the Des Plaines and Illinois Rivers," approved May 29, 1889, in force July 1, 1889.....	Tabled May 12

House Synopsis—Continued.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
662	May 3	Committee on Appropriations	An Act making an appropriation for the purchase of ground and the erection of buildings for a new insane hospital.	A law.....
663	May 4	Committee on Fish and Game	An Act to encourage the propagation and cultivation, and to secure the protection of frogs in all the waters under the jurisdiction of the State of Illinois, defining the duties of the fish or game wardens or deputy wardens and providing penalties for the violation of the provisions thereof	Tabled May 12
664	May 4	Committee on Education ..	An Act making an appropriation for the payment of the salaries and expenses of the State Text Book Commission and the expense of publishing and distributing the list of approved text books selected by said commission...	Tabled May 12
665	May 4	Committee on Judicial Department and Practice	An Act to amend section 66 and section 67 of an Act entitled, "An Act in relation to practice and procedure in courts of record," approved June 3, 1907, in force July 1, 1907.....	A law.....
666	May 4	Committee on Fees and Salaries	An Act to amend section one (1) of "An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois," approved December 6, 1907, in force July 1, 1908, as amended by Act approved and in force February 8, 1909.....	Tabled May 12
667	May 4	Hoffman	An Act to amend an Act entitled, "An Act to provide for the election of boards of education in certain districts," approved May 15, 1903, in force July 1, 1903, as amended by an Act approved and in force March 29, 1911.....	Tabled May 12
668	May 4	Committee on Appropriations	An Act to amend an Act entitled, "An Act to establish the Illinois Historical Library and to provide for its care and maintenance and to make an appropriation therefor," approved May 25, 1889, in force July 1, 1889	A law.....
669	May 4	Lyon..... (by request)	An Act to amend section 14 of an Act entitled, "An Act to provide for the printing and distribution of ballots at public expense, and for the nomination of candidates for public office, to regulate the manner of holding elections, and to enforce the secrecy of the ballot," approved June 22, 1891, in force July 1, 1891, as follows.....	Tabled May 12

House Synopsis—Concluded.

No.	When introduced.	By whom introduced.	Abstract of Title of Bill.	Disposition.
670	May 8	Shanahan.....	An Act to prevent the introduction and spread in Illinois of foul brood among bees, providing for the appointment of a State inspector of apiaries and prescribing his powers and duties	A law.....
671	May 8	Shanahan.....	An Act appropriating to the University of Illinois the money granted in an Act of Congress approved August 30, 1890, entitled, "An Act to apply a portion of the proceeds of the public lands to the more perfect endowment and support of the colleges for the benefit of agricultuæ and mechanic arts," established under the provisions of an Act of Congress approved July 2, 1862, and the money granted by an Act of Congress approved March 4, 1907, entitled, "An Act making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908"	A law.....
672	May 9	Scanlan.....	An Act to amend section three (3) of "An Act entitled, 'An Act to regulate the admission of foreign corporations for profit, to do business in the State of Illinois,' approved May 18, 1905, in force July 1, 1905.....	A law.....
673	May 12	Committee on Appropriations	An Act to provide for the necessary revenue for State purposes.....	A law.....
674	May 12	Committee on Appropriations	An Act making an appropriation for the payment of the officers and members of the next General Assembly, and for salaries of the officers of the State Government.....	A law.....
675	May 13	Committee on Appropriations	An Act to provide for the ordinary and contingent expenses of the State Government until the expiration of the fiscal quarter after the adjournment of the next regular session of the General Assembly.....	A law.....
676	May 18	Shanahan.... (by request)	"An Act to transfer the balance remaining in the State treasury on July 1, 1911, to the credit of the State Game Protection Fund, the State Fish Protection Fund, the State Food Commissioners' Fund and the Board of Administration Fund to the General Revenue Fund".	A law.....
677	May 18	Shanahan.... (by request)	"An Act to provide for the incidental expenses of the Forty-seventh General Assembly of the State of Illinois"	A law.....

SENATE BILLS IN THE HOUSE.

No.	When received.	Abstract of Title of Bill.	Disposition.
11 Jan.	24	An Act to amend section 89 of an act entitled, "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding same, and repeal an act therein named," approved March 26, 1874, in force July 1, 1874.....	A law.....
8 Feb.	2	An Act to amend section three (3) of an act entitled "An Act to require drainage districts lying above a lower drainage district, whether such district be organized under the same or different drainage laws of State, to pay lower drainage district for benefits received by lands of upper district by enlarging or improving of the ditches or drains of lower district, within or outside the boundaries of lower district; and to provide for the collection and payment of benefits," approved May 14, 1903, in force July 1, 1903.	A law.....
20 Feb.	2	An Act entitled "An Act to authorize boards of county commissioners or boards of supervisors, as the case may be, to lease space in court houses (not needed for county purposes) to cities, villages, towns, sanitary districts or other municipal corporations".....	Tabled May 18.....
134 Feb.	10	An Act making an appropriation for the payment of employes of the 47th General Assembly.....	A law.....
10 Feb.	10	An Act to enable incorporated and benevolent societies to take and hold property needful and proper to serve and accomplish the purposes of their organization.	A law.....
63 Feb.	10	An Act to amend section 99 of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, and to fix the time for holding the same".....	A law.....
9 Feb.	15	An Act defining and regulation express companies operating in the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission; applying also to other common carriers and for other purposes.....	Tabled May 18.....
37 Feb.	15	An Act to amend section 24 of an Act entitled, "An Act revise the law in relation to counties".....	A law.....
62 Feb.	15	An Act to provide for the acknowledgement of pension applications, affidavits and execution of vouchers.....	Third reading.....
37 Feb.	15	An Act to amend section 14 of an Act entitled, "An Act in regard to garnishment".....	Third reading.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
91 Feb.	15	An Act permitting soldiers and sailors honorably discharged from the service of the United States the right to vend, hawk and peddle goods, wares, fruits and merchandise not prohibited by law in any county, town, village, incorporated city or municipality in the State of Illinois.....	Tabled May 18.....
119 Feb.	15	An Act making an appropriation to the office of the State Fire Marshal.....	A law.....
24 Feb.	24	An Act to authorize Circuit Courts to transfer to County Courts appeals from Justices of the Peace ..	Third reading.....
36 Feb.	24	An Act to provide for the disposition of money in the control of courts of record which is unclaimed, or where there is no person to whom the same can be paid.....	A law.....
18 Feb.	24	An Act to amend section 7 of division 2 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence," approved March 27, 1874, as amended by an Act approved April 21, 1899.....	A law.....
147 Feb.	24	An Act making an appropriation to provide for a deficiency in the equipment of the State Biological Laboratory	A law.....
38 Mar.	1	An Act to amend section 14 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872.....	A law.....
80 Mar.	1	An Act to amend section 1 of an Act entitled, "An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks," approved May 13, 1907.....	Third reading.....
96 Mar.	1	An Act to amend section 122 of an Act to establish and maintain a system of free schools	Third reading
118 Mar.	1	An Act to provide for the incidental expenses of the Forty-seventh General Assembly of the State of Illinois, and for the care and custody of the State House and grounds to be incurred and not provided for	A law.....
146 Mar.	1	An Act relative to borrowing money and issuing bonds by cities, towns and villages heretofore issued or authorized and proposed to be issued under charter, power to borrow money; and declaring an emergency.....	A law.....
180 Mar.	1	An Act to amend section 3 of an Act entitled, "An Act to revise the law in relation to marriages"	Tabled May 18.....
98 Mar.	2	An Act to define and punish the rescue of or the aiding to escape of a ward of the State from certain State institutions named therein	Tabled May 16
44 Mar.	2	An Act to amend an Act entitled, "An Act to organize and regulate the business of life insurance."	Third reading

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
151	Mar. 2	An Act to amend section 19 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named".....	Third reading.....
17	Mar. 3	An Act to prohibit the sale or other disposition of imitation leather in shoes or footwear unless properly stamped, and providing a penalty for the violation thereof.....	Third reading.....
21	Mar. 3	An Act in regard to the administration of estates and in regard to the probate of wills of persons presumed to be dead by reason of seven years or longer absence from their former domicile in this State.....	Third reading.....
83	Mar. 4	An Act to amend section 2 of article 7 of an Act entitled, "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State".....	Vetoed.....
157	Mar. 3	An Act granting certain lands in the city of Evanston, and the title of certain submerged lands adjoining said city, to the city of Evanston for park and boulevard purposes.....	A law.....
159	Mar. 3	An Act to provide for the formation and disbursement of a pension fund in cities, villages and incorporated towns having a population exceeding 100,000 inhabitants for municipal employes appointed to their positions, under and by virtue of an Act entitled, "An Act to regulate the civil service of cities".....	A law.....
99	Mar. 3	An Act conferring upon the Board of Administration of the State of Illinois the power to condemn and take real estate as therein named.....	Tabled May 10.....
54	Mar. 3	An Act authorizing the Commissioners of Lincoln Park to issue bonds, and providing for the payment thereof.....	A law.....
37	Mar. 3	An Act to amend sections 9, 10, 11, 12, 24, 26, 27, 28 and 42 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, and all acts amendatory thereto.....	A law.....
43	Mar. 3	An Act in relation to decisions of Appellate Courts.....	Tabled May 10.....
22	Mar. 8	An Act to amend section 2 of an act entitled, "An Act to establish Appellate Courts," approved June 2, 1877, in force July 1, 1877, as amended by an Act approved April 22, 1899, in force July 1, 1899; as amended by an Act approved June 5, 1909, in force July 1, 1909.....	A law.....
28	Mar. 8	An Act to amend section 7 of an Act entitled "An Act to provide for the creation of pleasure driveway and park districts," approved June 19, 1893, as amended by an Act approved June 17, 1895.....	Tabled May 18.....
56	Mar. 8	An Act to regulate the trial by jury in civil actions in courts of record.....	Tabled April 6.....
100	Mar. 8	An Act to prevent the unlawful qualification of persons on criminal bonds undertaking a recognizance.....	Third reading.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
104	Mar.	8 An Act to amend section 44 of an Act entitled, "An Act concerning fees and salaries and classify the several counties of this State with reference thereto"	A law.....
126	Mar.	8 An Act relating to legislative counsel and agents.....	Tabled May 18.....
128	Mar.	8 An Act to amend sections 1 and 2 of an Act concerning Canada thistles.....	Third reading.....
131	Mar.	8 An Act providing for the appointment of a State Inspector of Apiaries and prescribing his powers and duties.....	Vetoed.....
141	Mar.	8 An Act to amend section 18 of an Act entitled, "An Act to organize and regulate the business of life insurance,".....	Third reading.....
150	Mar.	8 An Act to amend sections 16, 18 and 58 and to add a new section to be known as section 16a to an Act entitled, "An Act to provide for the construction, reparation and protection of drains, ditches and levees across the lands of others for agricultural, sanitary and mining purposes, and to provide for the organization of drainage districts".....	Tabled May 18.....
164	Mar.	8 An Act to amend "An Act to provide for drainage for agricultural and sanitary purposes" and to repeal certain Acts therein named.....	Third reading.....
169	Mar.	8 An Act to amend sections 1 and 2 of an Act entitled, "An Act to regulate the sale and analysis of concentrated feeding stuffs,".....	Tabled May 18.....
223	Mar.	8 An Act conveying certain lands to Wilmette Park District for the purpose of establishing a public park or pleasure ground thereon.....	A law.....
241	Mar.	8 An Act to amend sections 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns"	A law.....
255	Mar.	8 An Act to amend section 6, article 3, of an Act entitled, "An Act to establish a military and naval code for the State of Illinois," etc.....	A law.....
265	Mar.	8 An Act giving the authority of the General Assembly of the State of Illinois for the construction of a draw bridge across the Illinois River.....	A law.....
23	Mar.	10 An Act to amend an Act entitled, "An Act to revise the law in relation to divorce," approved March 10, 1874, in force July 1, 1874, as amended by an act approved May 13, 1905, in force July 1, 1905, by adding thereto a section to be numbered and known as section 1 (B).....	Third reading.....
60	Mar.	10 An Act to provide for the setting apart, formation, administration and disbursement of a police pension fund by certain boards of park commissioners.....	A law.....
112	Mar.	10 An Act to amend section 2 of an Act entitled, "An Act concerning the levy and extension of taxes".....	Vetoed.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
130 Mar.	10	An Act to amend section 40 of an Act entitled "An Act to revise the law in relation to Criminal Jurisprudence"	Third reading
266 Mar.	10	An Act giving the consent of the General Assembly of Illinois for the use and appropriation by the Saint Louis, Peoria and Northwestern Railway Company of a railroad right of way over certain lands heretofore conveyed to the State of Illinois for the use of the general hospital for the insane at Bartonville....	A law.....
326 Mar.	10	An Act to make an appropriation for the painting of former Lieutenant Governor Lawrence Y. Sherman.	A law.....
40 Mar.	10	An Act to provide for a deficiency in the traveling and other necessary expenses of the State inspectors of coal mines for the fiscal year ending June 30, 1911.	A law.
231 Mar.	10	An Act to amend section 1 of an Act entitled, "An Act to provide for the holding of primary elections," etc.....	Third reading
232 Mar.	10	An Act to amend sections 1 and 60 of an Act entitled, "An Act to provide for the holding of primary elections," etc.	Tabled May 18.....
239 Mar.	10	An Act to amend sections 3, 4, 5, 8, 9, 10, 11 and 12 of an Act entitled, "An Act to provide for the creation of pressure driveway and park districts".	A law.....
73 Mar.	15	An Act entitled, "An Act to prohibit the carrying of revolvers, pistols, and other fire arms"	Third reading
137 Mar.	15	An Act to amend section 3 of an act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns"	Passed House May 19....
257 Mar.	15	An Act to amend section 30 of article 13 of an Act entitled, "An Act to provide for the incorporation of cities and villages"	A law.....
259 Mar.	15	An Act to prevent accidents in mines and other industrial plants and to conserve the resources of the State by the establishment of Illinois Miners' and Mechanics' Institutes and for the administration and support of the same.....	A law.....
288 Mar.	15	An Act to amend section 14 of an Act entitled, "An Act in regard to roads and bridges in counties under township organization and to repeal an Act and parts of Acts therein named"	Tabled May 18.....
306 Mar.	15	An Act to amend section 2 of an Act entitled, "An Act to prohibit the use of clock, tape, slot or other machines or devices for gambling purposes"	Third reading
171 Mar.	16	An Act to amend an Act entitled, "An Act to secure the collection and publication of agricultural and other statistics"	Tabled April 7.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition
81 Mar.	16	An Act to amend section 10½ of an Act entitled, "An Act to regulate the Civil Service of cities," approved and in force March 20, 1895, as amended by an Act approved May 6, 1897, in force July 1 1897...	Tabled May 18.....
84 Mar.	16	An Act relative to the issuing of policies insuring against accidental bodily injury or disease.....	Tabled May 18.....
235 Mar.	16	An Act to amend an Act entitled, "An Act to regulate the practice of medicine in the State of Illinois and to repeal an Act therein named.....	A law.....
377 Mar.	16	An Act to amend section 1 of an Act entitled, "An Act to provide for the election of boards of education in certain districts, approved May 15, 1903, in force July 1, 1903.....	A law.....
174 Mar.	21	An Act to prevent the preparation, manufacture, packing, storing or distributing of food intended for sale, or sale of food, under insanitary, unhealthful or unclean conditions or surroundings, for the appointment of inspectors, to create a sanitary inspection, to declare that such conditions shall constitute a nuisance, and to provide penalties for violation thereof.....	A law.....
284 Mar.	21	An Act to prohibit any junk dealer or any second hand dealer or any pawn broker from purchasing and receiving on deposit or pledge, goods or anything of value from a minor, and providing a punishment for a violation thereof.....	A law.....
329 Mar.	21	An Act to amend section 51 of an Act concerning fees and salaries and to classify the several counties of this State with reference thereto.....	Third reading.....
197 Mar.	22	An Act to repeal section 209 of an Act entitled, "An Act for the assessment of property and for the levy and collection of taxes".....	Tabled May 18.....
213 Mar.	22	An Act to amend section 7 of an Act entitled, "An Act in relation to courts of record in cities".....	A law.....
248 Mar.	22	An Act to amend section 8 of an Act entitled, "An Act in regard to wills".....	A law.....
318 Mar.	22	An Act to amend an Act entitled, "An Act to organize and regulate the business of life insurance".....	A law.....
325 Mar.	22	An Act to amend section 72 of an Act entitled, "An Act in regard to administration of estates".....	Third reading.....
33 Mar.	28	An Act to enlarge the powers of Sanitary Districts organized under an Act entitled, "An Act to create sanitary districts and remove obstructions in the Desplaines and Illinois rivers," in force July 1, 1889, in relation to constructing, operating, leasing and selling harbors, wharves, docks, etc., and other harbor structures, facilities, improvements and utilities constructed or operated in connection therewith, and to authorize the acquisition and condemnation of property and use, occupation, reclamation and acquisition of submerged lands in carrying out such power.....	Tabled May 18.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
39	Mar. 28	An Act granting women the right to vote for certain officers and to participate and vote in certain matters and elections.....	Tabled May 18.....
45	Mar. 28	An Act to regulate and control insurance against loss or damage by fire, lightning, hail, windstorm and sprinkler leakage, by partnerships, associations, individuals or aggregations of individuals not now authorized to do business in this State.....	A law.....
230	Mar. 28	An Act to prohibit the public drinking of intoxicating liquors in or upon any street or interurban car or upon any railway passenger coach or on the platform thereof.....	Tabled May 12.....
283	Mar. 28	An Act to promote the general welfare of the people of this State by providing compensation for accidental injuries or death suffered in the course of employment.....	A law.....
297	Mar. 28	An Act to enable cities and villages to establish and regulate cemeteries and repealing certain acts therein named.....	Tabled May 18.....
352	Mar. 28	An Act to amend section 18 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of the State with reference thereto,".....	A law.....
353	Mar. 28	An Act to amend section 3 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a police pension fund in cities, villages and incorporated towns".....	A law.....
53	Mar. 29	An Act to amend an Act entitled, "An Act providing for licenses to agents to procure fire policies in unauthorized corporations, providing for a bond to be given by such agents and for a tax upon the receipts of premiums received for policies so issued within the State".....	Third reading.....
85	Mar. 29	An Act to provide for the expenses of the torpedo boat from Charleston, S. C., to Chicago, Ill.....	A law.....
144	Mar. 29	An Act to provide for the creation of public recreation districts.....	Third reading.....
165	Mar. 29	An Act to amend an Act entitled, "An Act to encourage propagation and cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois, defining the fish commissioners, fixing their compensation and providing penalties for the violation of the provisions thereof".....	Tabled April 13.....
188	Mar. 29	An Act to amend section 12 of an Act entitled, "An Act in regard to wills".....	Third reading.....
221	Mar. 29	An Act to amend section 4 of an Act entitled, "An Act to revise the law in relation to notices".....	Third reading.....
222	Mar. 29	An Act to amend section 1 of an Act entitled, "An Act to regulate service by publication in courts of record and to repeal acts in conflict herewith".....	Third reading.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
324	Mar. 29	An Act to amend section 37 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto". A law.....	
372	Mar. 29	An Act to establish parks and parkways in towns and townships.....	A law.....
18	Mar. 30	An Act to amend section 1 of an Act entitled, "An Act in regard to contracts under seal, and relating to sales of real estate and enforcement thereof," approved March 19, 1872, in force July 1, 1872.....	Third reading.....
105	Mar. 30	An Act to amend section 6 of article 4 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, as amended by an Act approved and in force April 1, 1883.....	A law.....
175	Mar. 30	An Act creating county superintendent of roads in each county of the State and prescribing his duties..	Tabled May 18.....
364	Mar. 30	An Act to amend section 7 of an Act entitled, "An Act to revise the law in relation to Recorders".....	Third reading.....
370	Mar. 30	An Act to provide for the election and time of election of judges of the Supreme Court of Cook county.....	A law.....
148	Mar. 30	An Act to make an appropriation to the State Entomologist for the protection of farm crops against injurious insects.....	A law.....
394	Mar. 30	An Act to amend section 7 of an Act to regulate the public service of stallions.....	A law.....
103	Mar. 30	An Act to amend an Act entitled, "An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State.....	Tabled May 18.....
149	Mar. 30	An Act to enlarge the powers of cities in relation to harbors, wharves, docks piers, slips and other harbor structures, facilities and improvements and utilities constructed or operated in connection therewith; to authorize the acquisition and condemnation of property, and the use, occupation, reclamation and acquisition of the submerged lands of the State in carrying out such power.....	A law.....
234	Mar. 30	An Act to amend an Act entitled, "An Act to provide for the licensing of architects and regulating the practice of architecture as a profession".....	A law.....
286	Mar. 30	An Act to authorize the organization of high school districts.....	A law.....
335	Mar. 30	An Act to amend an Act entitled, "An Act to encourage propagation cultivation and to secure the protection of fishes in all the waters under the jurisdiction of the State of Illinois," etc.....	Tabled May 18.....
4	Mar. 30	An Act to provide for the certification of teachers.....	Third reading.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
207	Apr.	6 An Act to amend sections 1 and 2 of an Act entitled, "An Act in relation to corporations organized under special charters not for pecuniary profit"	Vetoed
249	Apr.	6 An Act to amend section 12 of an Act entitled, "An Act to revise the law in relation to the commitment and detention of lunatics and to provide for the appointment and removal of conservators and to repeal certain acts therein named"	Tabled May 18
250	Apr.	6 An Act entitled, "An Act to revise the law in relation to the commitment and detention of lunatics and to provide for the appointment and removal of conservators and to repeal certain acts therein named" ..	Tabled May 18
295	Apr.	6 An Act to create a State Art Commission and to define its powers and duties	Tabled May 18
426	Apr.	6 An Act to make an appropriation to pay the committee expenses of the 47th General Assembly	A law
58	Apr.	7 An Act to provide for the use of non-combustible material in the construction of buildings more than two stories in height	Tabled May 18
173	Apr.	7 An Act to empower cities, villages and incorporated towns to provide for the deposit and disposition of corporate funds	Tabled May 12
271	Apr.	7 An Act to amend section 130 and 132 of an Act entitled, "An Act to revise the law in relation to criminal jurisprudence"	Tabled May 18
304	Apr.	7 An Act to revise the law in relation to the propagation, cultivation and protection of fish in all the waters under the jurisdiction of the State of Illinois ..	A law
379	Apr.	7 An Act to amend an Act entitled, "An Act for the protection of game, wild fowl and birds," etc	A law
409	Apr.	7 An Act authorizing authorities of cities and villages to grant the use of public parks for use of charitable, benevolent, educational and religious purposes	Vetoed
217	Apr.	13 An Act to amend section 50 of article 9 of an Act entitled, "An Act to provide for the incorporation of cities and villages"	A law
220	Apr.	13 An Act to amend section 1 of an Act to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages	Tabled May 12
203	Apr.	13 An Act to amend section 54 of an Act entitled, "An Act to extend the jurisdiction of County Courts, and to provide for the practice thereof," etc	A law
291	Apr.	13 An Act to enable public park commissioners to take, improve, govern, locate and maintain parks and boulevards in contiguous territory and not now undertake their control and to provide a tax for the payment of the same.	A law

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
320	Apr. 13	An Act to enjoin and abate houses of ill fame, lewdness, assignation and prostitution, to declare the same to be nuisances, to enjoin the person or persons who conduct or maintain the same, and the owner or agent of any building used for such purposes.....	Tabled May 18.....
385	Apr. 13	An Act to enable park commissioners to enlarge park systems under their control.....	A law.....
129	Apr. 19	An Act providing for the salaries of County Judges and Probate Judges by County Boards.....	Third reading.....
192	Apr. 19	An Act to provide for the setting apart, formation and disbursement of a house of correction employes pension fund, in cities having a population of 50,000 inhabitants.....	A law.....
292	Apr. 19	An Act to amend section 12 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto.....	Tabled May 4.....
300	Apr. 19	An Act to amend sections 21, 28, 43 and 67 of an Act entitled, "An Act to provide for the holding of primary elections by political parties".....	Third reading.....
305	Apr. 19	An Act authorizing cities, towns and villages to construct and protect public beaches and bathing places over and upon the beds of public waters adjoining public parks and playgrounds.....	Third reading.....
422	Apr. 19	An Act to prohibit the use of a common drinking cup in public and private schools, State educational institutions, halls used for public meetings, hotels, lodging houses, theatres, factories, public or municipal buildings, on railroad trains and stations, and in other public places in Illinois.....	A law.....
423	Apr. 19	An Act authorizing and empowering county boards to employ and pay a stenographer.....	Tabled May 18.....
437	Apr. 19	Act to amend Act in relation to conveyance, use and preservation of burial lots in cemeteries.....	A law.....
92	Apr. 20	An Act in relation to fire insurance.....	Tabled May 10.....
167	Apr. 20	An Act to enable county boards of supervisors in counties under township organization and county commissioners in counties not under township organization to appropriate county funds for use of County Farmers' Institutes.....	Tabled May 18.....
277	Apr. 20	An Act entitled, "An Act to amend section 120 of an Act to establish and maintain a system of free schools".....	Tabled May 18.....
376	Apr. 20	An Act to amend an Act regulating the practice of pharmacy in the State of Illinois and making an appropriation.....	A law.....
400	Apr. 20	An Act to amend an Act entitled, "An Act to revise the law in relation to criminal jurisprudence".....	Tabled May 10.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
440	Apr. 20	To amend Act regulating and limiting the hours of employment of females in any mechanical establishment, factory or laundry.....	A law.....
15	Apr. 21	An Act concerning municipal funds.....	A law
55	Apr. 21	An Act providing for the licensing, regulating and inspecting of cold storage warehouses and regulating the sale of articles of food stuffs in cold storage warehouses and placing them under the control of the State Food Commissioner of this State.....	Third reading
460	Apr. 25	Making appropriation for employes of 47th General Assembly.....	A law.....
152	Apr. 26	An Act to amend section 26 of an Act entitled, "An Act concerning conveyances"	Third reading
243	Apr. 26	An Act to amend section 1 of an Act entitled, "An Act concerning conveyances"	Third reading.....
272	Apr. 26	An Act making an appropriation in aid of the Illinois State Horticulture Society	Tabled May 18.....
301	Apr. 26	An Act to amend sections 9, 20 and 24 of article 2 and section 1 of article 4 of an Act entitled, "An Act regarding the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State"	Tabled May 18.....
321	Apr. 26	An Act to amend section 34 of an Act entitled, "An Act concerning local improvements"	Third reading
322	Apr. 26	An Act to amend an Act entitled, "An Act to provide for the appointment of a board of fire and police commissioners in all cities in this State having a population of not less than 7,000 and not more than 100,000 and prescribing the powers and duties of such board"	Tabled May 12
331	Apr. 26	An Act making appropriation for the Illinois Dairy-men's Association"	Tabled May 18.....
342	Apr. 26	An Act to amend an Act entitled, "An Act to provide for the punishment of persons violating any of the ordinances of the several boards of public park commissions"	Tabled May 18.....
366	Apr. 26	An Act to amend sections 6 and 7 of an Act entitled, "An Act to provide for the formation and disbursement of a public school teachers' pension and retirement fund in cities having a population exceeding 100,000 inhabitants"	A law.....
367	Apr. 26	An Act to provide for the contribution from public moneys to the public school teachers' pension and retirement fund	A law.....
387	Apr. 26	An Act permitting all ex-Union, Spanish-American War, Philippine Insurrection and Boxer Uprising in China soldiers and sailors honorably discharged from the military or marine service, the right to vend, hawk and peddle goods, wares, fruits, etc....	Third reading.....

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
296	Apr. 28	An Act to amend sections 2, 3, 4, 6 and 9 of an Act entitled, "An Act to revise the law in relation to the sentence and commitment of persons convicted of crime and providing for a system of parole; and to provide compensation for the officers of said system of parole"	A law.....
391	Apr. 28	An Act fixing the salary and compensation to be paid to States Attorneys.	A law.....
403	Apr. 28	An Act to amend an Act relating to children who are now or may hereafter become delinquent, etc.	A law.....
444	Apr. 28	An Act to relieve lands from the inchoate right of dower.	A law.....
462	Apr. 28	Act to regulate and limit nomination and election expenses; to define and prevent corruption and illegal practices in nominations and elections	Third reading
72	May 3	An Act making an appropriation for the Northern Illinois State Normal School, DeKalb	A law.....
82	May 3	An Act for an appropriation for ordinary expenses of the Northern Illinois State Normal School at DeKalb.	A law.....
86	May 3	An Act to amend section 3 of an Act entitled, "An Act to provide for the visitation of children in family homes"	Tabled May 18.....
114	May 3	An Act to amend sections 1, 2, 3, 4, 5, 6 and 7 of an Act entitled, "An Act to revise the law in relation to county surveyors and the custody of the United States field notes"	Third reading
121	May 3	An Act to make an appropriation for improvements and extraordinary expenses of the Illinois State Normal University	A law.....
122	May 3	An Act to make an appropriation for the ordinary expenses of the Illinois State Normal University	A law.....
145	May 3	An Act to provide for the election and appointment of officers and employes of the General Assembly of the State and fix their compensation and repeal certain acts therein named	A law.....
211	May 3	An Act to make an appropriation to pay Frank McQuern for concrete work done at the Supreme Court building	A law.....
343	May 3	An Act to amend the criminal code to change the punishment of persons convicted of the crime of petit larceny and misdemeanors, etc.	Tabled May 18.
344	May 3	An Act to amend an Act entitled, "An Act to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this State"	Tabled May 12

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
459	May	3 An Act to prevent the issuance of free passes, free tickets and free transportation by steam or electric railroads, railways or common carriers of passengers	Tabled May 18.....
397	May	3 An Act to amend sections 235 and 236 of an Act in relation to criminal jurisprudence	Tabled May 18.....
424	May	3 An Act to amend an Act enabling associations of persons to become a body corporate to raise funds to be loaned only among the members of such association.....	Third reading
423	May	3 An Act to amend section 210 of an Act for the assessment of property.....	Third reading.....
442	May	3 An Act to amend section 12 of an Act to establish and create at the University of Illinois a bureau to be known as the State Geological Survey.....	A law
451	May	3 An Act to provide for the expenses of the committee heretofore authorized by Senate Joint Resolution No. 17 to revise laws pertaining to county and township organization and roads, highways and bridges, making appropriation of \$10,000 therefor.....	A law
450	May	3 An Act to prescribe for the filing of written statements under oath of all employes in the various departments of the government of the State of Illinois.....	Third reading.....
466	May	3 An Act to amend Act providing for incorporation of cities and villages.....	Tabled May 18.....
139	May	4 An Act to establish a legislative and municipal reference bureau.....	Tabled May 17.....
153	May	4 An Act making appropriations for the Southern Illinois Penitentiary at Chester	A law
195	May	4 An Act to amend an Act entitled, "An Act to provide for the holding of primary elections by political parties for the nomination of members of the General Assembly and the election of Senatorial Committeemen".....	Third reading
252	May	4 An Act to amend section 1 of an Act entitled, "An Act concerning corporations"	Tabled May 19.....
263	May	4 An Act imposing new and additional duties upon the State water survey and making appropriation therefor	A law
332	May	4 An Act authorizing the appointment of a commission to revise and codify the building laws.....	A law
401	May	4 An Act relating to the liability of employers to their employes.....	Vetoed
427	May	4 An Act to provide a State tax for a fund for the support and maintenance of the University of Illinois.....	Tabled May 9

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
433	May	4 An Act defining motor vehicles and providing for the registration of the same, and of motor bicycles, and for uniform rules regulating speed thereof.....	Third reading
449	May	4 An Act to amend an Act entitled, "An Act to regulate the pursuit of the business, art and avocation of a barber and to insure the proper qualifications of persons following such business.....	Tabled May 18.....
465	May	4 For an Act to provide for the plans and specifications for a State educational building.....	A law
102	May	5 An Act to amend section 14 of article 6 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1873, as amended by an Act approved June 2, 1908.....	Third reading
120	May	5 An Act making an appropriation to erect and complete a building for the training school of the Illinois State Normal University.....	A law
285	May	5 An Act to amend sections 1, 6 and 14 as now in force and sections 21 and 23 as amended and now in force of an Act entitled, "An Act in relation to courts of record in cities".....	Tabled May 18.....
388	May	5 An Act in relation to wearing the badge or emblem of the Grand Army of the Republic, Spanish War Veterans, etc.....	Tabled May 18.....
392	May	5 An Act making appropriation for county fairs or other agricultural societies	A law
393	May	5 An Act to amend section 7 of an Act entitled, "An Act to revise the law in relation to the department of agriculture, agricultural societies and agricultural fairs.....	A law
419	May	5 An Act to amend section 27 of an Act concerning fees and salaries.....	Third reading
461	May	5 Amend section 5 of Act providing for incorporation of associations that may be organized for the purpose of constructing railways	A law
31	May	9 An Act to make appropriations for ordinary and other expenses of the Illinois State Reformatory at Pontiac.....	A law
154	May	9 An Act appropriating money to purchase and perpetuate the historic old Fort Chartres as a State park....	Vetoed
204	May	9 An Act relating to hotels, inns and public lodging houses; creating the office of State Hotel Inspector.....	Tabled May 19.....
316	May	9 An Act making an appropriation for the repair and reconstruction of bridges over and along the Illinois and Michigan Canal	A law

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
317	May	9 An Act making an appropriation for repairs to locks, dykes and dams in and along the Illinois river, at Henry and Copperas creek, and for the maintenance of navigation in and along such portions of the Illinois river as are under the jurisdiction of the canal commissioners.....	A law
417	May	9 An Act making an appropriation to purchase and perpetuate the historic old Fort Chartres as a State park.	Vetoed
25	May	9 An Act to provide for the construction of a deep waterway or canal from Lockport to Utica, and the development and utilization of water power from water flowing through said waterway.....	Tabled May 18.....
302	May	9 An Act in relation to trial by jury.....	Tabled May 18.....
311	May	9 An Act requiring submission to the voters of cities and villages and incorporated towns of the question of adopting or discontinuing the petition plan of nomination of candidates for city, village and incorporated town offices and prescribing the manner of voting upon such questions.....	Tabled May 18.....
160	May	10 An Act to extend the equipment and increase the instruction in the college of agriculture of the University of Illinois, and to provide for the extension of the Agricultural Experiment Station, and to make appropriations therefor.....	Tabled May 18.....
161	May	10 An Act making appropriations to the University of Illinois.....	Tabled May 18.....
264	May	10 An Act to amend section 2 of an Act entitled, "An Act to provide for the establishment of a Department of Factory Inspection, providing for the appointment of inspectors and an attorney for the department and prescribing their duties.....	A law
336	May	10 An Act making an appropriation for the payment of the salaries of the State game commissioner, game wardens and deputy game wardens.....	A law
484	May	10 An Act making appropriation for expense of certain persons acting as voluntary commission in regard to Employers Liability, etc.....	A law
172	May	10 An Act making an appropriation to the State Fish Commission for the establishment of a rescue and pond culture station in Lake county for the rescue and culture of fresh water fish.....	Tabled May 16.....
210	May	10 An Act making an appropriation to the State Fish Commission for the establishment of a rescue and pond culture station in either Rock Island or Henry counties along Rock River for the rescue and culture of fresh water fish.....	Tabled May 16.....
337	May	10 An Act to provide for the payment of the salaries and traveling expenses of ten stock food inspectors and one chemist.....	A law

Senate Bills in the House—Continued.

No.	When received.	Abstract of Title of Bill.	Disposition.
109	May 10	An Act to make an appropriation for the ordinary expenses of the Eastern Illinois State Normal School at Charleston, Illinois	A law
162	May 10	An Act making appropriations for the erection of buildings for the University of Illinois	Tabled May 18
163	May 10	An Act making an appropriation to the University of Illinois for the erection of a suitable kiln house and addition to the present building for more adequate instruction and investigation in ceramics	Tabled May 18
402	May 10	An Act to provide for the health and safety of employ��s engaged in the use of compressed air in caissons, tunnels and other work	Tabled May 18
482	May 10	An Act to amend an Act in relation to the aid of Industrial School for girls	A law
75	May 11	An Act to make an appropriation to construct and furnish a women's building and gymnasium at the Southern Illinois Normal University at Carbondale, Ill.	A law
490	May 11	An Act for an appropriation for relief of Berthol C. B. Jorgensen	A law
464	May 11	Prohibiting the adulteration and deception in the manufacture and sale of spirits of turpentine	Tabled May 18
110	May 11	An Act to make an appropriation for library, laboratory, grounds, green-houses and for building equipment and furnishings at the Eastern Illinois State Normal School at Charleston, Illinois	A law
166	May 11	An Act making an appropriation for the Illinois Farmers' Institute and County Farmers' Institutes	A law
261	May 11	An Act making an appropriation for constructing and erecting a suitable monument to commemorate the 100th anniversary of the inauguration of a representative form of government in the State of Illinois	A law
282	May 11	An Act to amend section 11 of an Act entitled, "An Act to revise the law in relation to clerks of courts."	A law
338	May 11	An Act making appropriation for procuring and preserving documents	Tabled May 18
418	May 11	An Act to amend sections one and ten of an Act relating to private employment agencies	A law

Senate Bills in the House—Continued.

No.	When received	Abstract of Title of Bill.	Disposition.
428	May 11	An Act making appropriation to State Fish Commission for establishment of rescue and pond culture station at or near Pekin	Tabled May 16
477	May 11	An Act making appropriation for the ordinary and other expenses of the insane hospital at Dunning...	Tabled May 18
486	May 11	An Act to establish the Mining Investigating Commission.....	A law
177	May 12	An Act to make an appropriation for the salaries and other expenses of the county superintendent of roads.....	Tabled May 12.....
279	May 12	An Act creating a commission to have charge of installing and maintaining an exhibit of the products and resources of the State of Illinois at the Panama Pacific International Exposition and appropriating money therefor.....	A law
481	May 12	An Act to provide for expenses of committee appointed under Senate Joint Resolution No. 32.....	Tabled May 31.....
488	May 12	An Act to amend section 3 of an Act entitled, "An Act to regulate the admission of foreign corporations for profit to do business in the State of Illinois, approved May 8, 1905, in force July 1, 1905.....	Tabled May 18.....
66	May 16	An Act making appropriations for the Western Illinois State Normal School	A law
74	May 16	An Act making an appropriation for the visitation and instruction of the adult blind and providing for the expenditure thereof	A law
212	May 16	An Act providing for the appointment of Commissioners and making an appropriation for the construction of a monument in Memory of Michael Kelly Lawler, in Equality, Gallatin county, Illinois.	A law
240	May 16	An Act making appropriation for the State Board of Agriculture to be used for the purchase of additional land and in the construction of permanent improvements on the State Fair Grounds.....	Tabled May 17.....
480	May 16	An Act making appropriation for payment of ordinary and contingent expenses of State Fish Commission, etc.....	A law
485	May 16	An Act appropriating to the University of Illinois the money granted in an Act of Congress.....	Tabled May 18.....
499	May 16	An Act making an appropriation for the incidental expenses 47th General Assembly.....	A law
247	May 16	An Act to amend section 26 of "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto".....	Vetoed
463	May 16	To amend Act to provide for the holding of primary elections by political parties	Tabled May 18.....

Senate Bills in the House—Concluded.

No.	When received.	Abstract of Title of Bill.	Disposition.
494	May 16	An Act governing fire, marine and inland navigation insurance companies	Third reading
495	May 16	An Act to amend an Act entitled, "Act to incorporate and govern fire, marine and inland navigation insurance companies"	Third reading
2	May 16	An Act making an appropriation for the relief of the suffering and destitute dependents of the firemen who recently lost their lives at the stock yards fire Chicago, on or about December 22, 1910	Tabled May 18
5	May 16	An Act to provide for the location, erection, organization and management of a State sanatorium for persons afflicted with tuberculosis, making applicable thereto, "An Act to regulate State charitable institutions and the State Reform School, and to improve their organization and increase their efficiency," approved April 15, 1875 and making an appropriation for the purchase of land and etc.	Tabled May 18
76	May 16	An Act to make an appropriation for the ordinary expenses of the Southern Illinois Normal University at Carbondale	A law
258	May 16	An Act making an appropriation for the establishment and maintenance of Illinois Miners' and Mechanics' Institutes	Tabled May 18
339	May 16	An Act making an appropriation for the ordinary expenses of the commission on uniform State laws	Tabled May 18
420	May 16	An Act to amend sections 2, 5, 6 and 9 of an Act entitled, "An Act to establish and maintain in the coal fields of Illinois, mine fire fighting and rescue stations	A law
492	May 16	An Act making appropriation for ordinary and other expenses of the Illinois State Penitentiary at Joliet.	A law
498	May 16	Illinois State Penitentiary at Joliet relating to purchase of land, etc	A law
357	May 17	An Act to provide for the election of Township Supervisors in counties under township organization and to fix their term of office.	Tabled May 18
425	May 17	An Act to enable owners and occupants of overflowed and submerged lands to abate the cause of such overflow and submergence existing on the lands of others	Tabled May 18
478	May 17	An Act compelling the labeling and description and printing upon bills of fare, etc., the names of ingredients of food stuffs furnished by dealers or others engaged in serving meals	Third reading

LIST BY NUMBER OF HOUSE AND SENATE BILLS
PASSED.

First—Signed by Governor.

HOUSE BILLS SIGNED.

1	104	204	301	410	518	607
9	116	221	306	419	522	611
15	127	237	311	423	531	615
16	128	243	312	424	532	616
17	134	244	316	429	539	622
20	137	250	317	434	541	624
27	140	251	324	441	544	630
42	141	252	326	444	546	641
45	143	255	333	448	547	642
47	145	259	335	450	548	648
51	149	262	336	453	551	649
53	152	263	337	460	556	650
66	153	264	338	461	558	652
72	155	269	390	462	571	653
82	157	277	395	472	576	656
96	162	282	397	479	577	657
99	166	283		494	586	658
	171	285		495	588	659
	182				589	662
	184				592	665
	190				593	668
						670
						671
						672
						673
						674
						675
						676
						677

List by Number of House and Senate Bills Passed—Concluded.

SENATE BILLS SIGNED.

8	104	203	304	403
10	105	211	316	418
11	109	212	317	420
15	110	213	318	422
18	118	217	324	426
22	119	223	326	437
31	120	235	332	440
36	121	244	336	442
37	122	255	337	444
38	134	257	352	451
40	145	259	353	460
45	146	261	366	461
54	147	263	367	465
57	148	264	370	480
60	149	265	372	482
63	153	266	376	484
66	157	279	377	486
72	159	283	379	490
74	166	284	385	492
75	174	286	391	498
76	192	291	392	499
82		296	393	
85		282	394	
		248		
		234		
		239		

114

Second—Became Law without Signature of Governor.

HOUSE.	SENATE.
55

Third—Bills Vetoed.

HOUSE.		SENATE.	
33	506	83	247
124	537	112	401
192	575	131	409
240	603	154	417
297	608	207	
412	660		
492			

Summary of Bills.

Number of bills introduced in House	677
Number of bills introduced in Senate	500
Total.....	1,177
Number House bills passed both houses.....	153
Number Senate bills passed both houses.....	123
Total	276

Final Disposition of Bills Passed by Both Houses and Filed with the Governor.

	House.	Senate.	Total.
Signed by Governor	140	114	254
Became laws without signatue of Governor	1	.....	1
Total became laws.....	141	114	255
Vetoed by Governor.....	14	9	23

1 Offered by Mr. Gilbert and referred to the Committee on Judiciary.

Resolved by the House of Representatives of the State of Illinois, the Senate concurring therein, that there be submitted to the electors of this State for adoption or rejection at the next election of members of the General Assembly a proposition to amend the fourth article of the constitution of this State, as follows:

First. So that Section one (1) of said article may read as follows:

“Section 1. The legislative power shall be vested in the members of a General Assembly and the electors of the State and the same shall be exercised in the manner prescribed by this article. The limitations upon the legislative power expressed or implied in the provisions of this constitution shall be binding upon the consciences of the members of the General Assembly and the electors of the State, but excepting as may be, in this article, be otherwise expressly provided, they shall be the exclusive and final judges of the extent of such limitations and of their force and effect with respect to all laws which, by the terms of this article, become operative by a vote of the electors of the State, or of some portion thereof as hereinafter provided.”

Second. By adding thereto the following sections to be known as Sections thirty-five (35), thirty-six (36), thirty-seven (37), thirty-eight (38), thirty-nine (39), forty (40), forty-one (41), and forty two (42), and which shall read as follows:

“Section 35. The General Assembly may provide by law for the enactment of laws by the electors of the State to be operative in the State generally,

3 or of laws by the electors of the county of Cook to be operative only in the county
 4 of Cook, or of laws by the electors of the State outside of the county of Cook to
 5 be operative only in the territory of the State outside of the county of Cook,
 6 without previous action by the General Assembly or by any of the members
 7 thereof: *Provided, however,* that no bill making such provision shall become a
 8 law without the concurrence of two-thirds of the members elected to each
 9 House; and, *provided, further,* that no proposed law shall be submitted, in pur-
 10 suance of such provision, to a vote of the electors of the State, or of the electors
 11 of the county of Cook, or of the electors of the State outside of the county of
 12 Cook, as the case may be, unless it shall have been previously submitted to and
 13 examined by the judges of the supreme court, and said judges, or a majority of
 14 them, shall have made and caused to be filed in the office of the Secretary of State
 15 a certificate that, in their opinion, such proposed law, if enacted, will not be in
 16 conflict with any provision of this Constitution applicable thereto. The method
 17 of submitting such proposed law to the judges of the supreme court and the
 18 method of procedure to be observed by them in the examination of the same, and
 19 the certifying of their opinion with respect thereto, shall be such as may be pro-
 20 vided by law, or, in default of such provision by law, by rules to be adopted by
 21 the supreme court. The General Assembly may also, by a bill concurred in by
 22 two-thirds of the members elected to each House, make provision whereby any
 23 law, the enactment of which, by the terms of this article, does not require the
 24 concurrence of the majority of the electors of the State, or of any portion there-
 25 of voting thereon, may be rendered inoperative by a vote of the electors of the
 26 State generally, if such law is intended to be operative throughout the State, or
 27 by a vote of the electors of the county of Cook, if such law is intended to be
 28 operative only in the county of Cook, or by a vote of the electors of the State out-
 29 side of the county of Cook, if such law is intended to be operative only in the
 30 territory of the State outside of the county of Cook."

"Section 36. A law shall be deemed operative only in a given territory
 2 within the meaning of this article when it is local to such territory, or to some

3 part thereof, or relates only to the governmental affairs of such territory, or
 4 of some part thereof, notwithstanding it may be required that full faith and
 5 credit, or other incidental operation, be given to it in the remaining territory
 6 of the State or some part thereof."

"Section 37. The date fixed by this Constitution for the election of any ex-
 2 ecutive or judicial officer may be changed, from time to time, by law, and, for the
 3 better accomplishment of the purpose of such change, such law may provide for
 4 extending or shortening the term of office of such officer. But no such law shall
 5 be operative unless the bill therefor shall be concurred in by the majority of the
 6 members elected to each House of the General Assembly and shall be approved
 7 by the majority of the electors of the State voting at a general or special elec-
 8 tion at which the same may be submitted by some provision thereof or by a
 9 joint resolution of the General Assembly concurred in by the majority of the
 10 members elected to each House."

"Section 38. There may be enacted to be operative only in the county of
 2 Cook any law or laws relating to the municipal government of the city of
 3 Chicago, or to the municipal corporations situated, in whole or in part, in the
 4 City of Chicago, or providing for the consolidation of such municipal corpor-
 5 ations, or of any two or more of them, either with the municipal government
 6 of the city of Chicago or with each other; any law or laws consolidating the
 7 municipal government of the county of Cook and the municipal government
 8 of the cities, towns and villages situated in the county of Cook, or consolidating
 9 any number of said municipal governments, into one or more municipal
 10 governments, and conferring upon such consolidated municipal government or
 11 governments such powers as may be deemed necessary or expedient; any
 12 law or laws abolishing all offices in the county of Cook which may be deemed un-
 13 necessary, or the functions of which may be performed through other offices;
 14 any law or laws consolidating the circuit, superior, criminal, county, probate
 15 and other courts in the county of Cook, or any number of said courts, into one

16 or more courts with such organization, jurisdiction, powers, proceedings and
 17 practice, and whose orders, judgments and decrees shall be given such force and
 18 effect and be reviewed by the supreme court or appellate court in such manner,
 19 as such law or laws may prescribe; any law or laws providing such means, method
 20 or methods as may be deemed necessary or proper for raising revenue both for
 21 the payment of the expenses of the municipal government or governments in the
 22 county of Cook and for the payment of the proportionate share of the county of
 23 Cook of the expenses of the State government, which proportionate share shall
 24 be fixed and determined by a law concurred in by the majority of the members
 25 elected to each House from the districts in the county of Cook, and by the ma-
 26 jority of the members elected to each house from the districts outside of the
 27 county of Cook, or, in default of such law, by the Supreme Court; or any law or
 28 laws providing for just compensation to persons or to their relatives, for injuries
 29 received by such persons. The methods by which any law specified in this sec-
 30 tion may be enacted are the following:

31 *First*—Any bill introduced in the General Assembly which, upon its final
 32 passage, either in its original form or as amended, receives the votes of the
 33 majority of the members elected to each house may, by its terms, be submitted to
 34 a vote of the electors residing in the county of Cook at the next general elec-
 35 tion held in said county, or at any regular election for city officials held in the
 36 city of Chicago and special election to be held at the same time in the territory
 37 of said county of Cook outside of said city of Chicago, which special election
 38 may be directed in said bill to be held for that purpose, and if, at such election,
 39 such bill shall be approved by the majority of the electors voting thereat re-
 40 siding in the county of Cook the same shall become a law.

41 *Second*—At any time within thirty days after any *sine die* adjournment of
 42 any session of the General Assembly any number of the members of the Gen-
 43 eral Assembly elected from the districts in the county of Cook equal to one-third
 44 of the total number of members elected from said districts may file with the Sec-

45 retary of State a demand in writing that any bill introduced in the General As-
 46 sembly, either in the form in which the same has been introduced, or in the form
 47 in which the same may appear after the adoption by either house or both houses
 48 of any amendment or amendments thereto, or in the form in which the same may
 49 appear after the making by said members of the General Assembly filing such
 50 demand in writing of such amendments thereto or changes therein as they may
 51 deem advisable, and which bill shall be attached to such demand in writing, shall
 52 be submitted to a vote of the electors residing in the county of Cook, and there-
 53 upon such bill shall be submitted to a vote of the electors residing in the county of
 54 Cook at the next general election to be held in said county, or at any regular
 55 election for city officers held in the city of Chicago and special election to be held
 56 at the same time in the territory of said county of Cook outside of said city of
 57 Chicago, which special election may be directed in said bill to be held for that
 58 purpose, and if, at such election, such bill shall be approved by the majority of the
 59 electors voting thereat residing in the county of Cook the same shall become a
 60 law."

"Section 39. There may be enacted, to be operative only in any specified
 2 county of this State, other than the county of Cook, any law or laws relating to
 3 the municipal government of any city in any such county or to the municipal
 4 corporations situated, in whole or in part, in such city, or providing for the con-
 5 solidation of such municipal corporations, or of any two or more of them, with
 6 the municipal government of such city or with each other; any law or laws con-
 7 solidating the municipal government of such county and the municipal govern-
 8 ments of the cities, towns and villages situated in such county, or consolidating
 9 any number of said municipal governments, into one or more municipal govern-
 10 ments and conferring upon such consolidated municipal government or govern-
 11 ments such powers as may be deemed necessary or expedient; any law or laws
 12 abolishing all offices in such county which may be deemed unnecessary or the
 13 functions of which may be performed through other offices; a law or laws con-

14 solidating the courts of such county, or any two or more of them, into one or more
 15 courts with such organization, jurisdiction, powers, proceedings and practice,
 16 and whose orders, judgments and decrees shall be given such force and effect and
 17 be reviewed by the Supreme Court or Appellate Court in such manner as such
 18 law or laws may prescribe; any law or laws providing such means, method or
 19 methods as may be deemed necessary or proper for raising revenue both for the
 20 payment of the expenses of the municipal government or governments in the
 21 territory of such county and for the payment of the proportionate share of such
 22 county of the expenses of the State government, which proportionate share shall
 23 be fixed and determined by a law concurred in by the majority of the members
 24 elected to each House of the General Assembly, or, in default of such law, by the
 25 Supreme Court; or any law or laws providing for just compensation to persons,
 26 or to their relatives, for injuries received by such persons. The methods by
 27 which any law specified in this section may be enacted are the following:

28 *First*—Any bill introduced in the General Assembly which, upon its final
 29 passage, either in its original form or as amended, receives the votes of the
 30 majority of the members elected to each house may, by its terms, be submitted to
 31 a vote of the electors of the State residing outside of the county of Cook at the
 32 next general election held in such territory, and if, at such election, such bill
 33 shall be approved by the majority of the electors voting on the question re-
 34 siding in the territory of the State outside of the county of Cook and by the
 35 majority of the electors voting at the election residing in the county in which
 36 the same is to be operative, and, if the same relates to the municipal govern-
 37 ment of any city, such bill shall be approved by the majority of the electors vot-
 38 ing at the election residing in said city, the same shall become a law.

39 *Second*—At any time within thirty days after any *sine die* adjournment of
 40 any session of the General Assembly any number of members of the General As-
 41 sembly elected from the districts outside of the county of Cook equal to one-third
 42 of the total number of members elected from said districts may file with the Sec-
 43 retary of State a demand in writing that any bill introduced in the General As-

44 ssembly, either in the form in which the same has been introduced, or in the form
 45 in which the same may appear after the adoption by either house or both houses
 46 of any amendment or amendments thereto, or in the form in which the same may
 47 appear after the making by said members of the General Assembly filing such
 48 demand in writing of such amendments thereto or changes therein as they may
 49 deem advisable, and which bill shall be attached to such demand in writing, shall
 50 be submitted to a vote of the electors residing in the territory of the State outside
 51 of the county of Cook, and thereupon such bill shall be submitted to a vote of the
 52 electors residing in the territory of the State outside of the county of Cook at
 53 the next general election held in said territory, and if, at such election, such bill
 54 shall be approved by the majority of the electors voting thereat residing in the
 55 territory of the State outside of the county of Cook, and by the majority of the
 56 electors voting thereat residing in the county in which the same is to be oper-
 57 ative, and, if the same relates to the municipal government of any city, such bill
 58 shall be approved by the majority of the electors voting thereat residing in such
 59 city, the same shall become a law."

"Section 40. Any bill which shall have been submitted to a vote of the elec-
 2 tors of the State, or of some portion thereof, in the manner provided in this ar-
 3 ticle and shall have been concurred in by the number of electors specified in this
 4 article as necessary to make the same effective as a law shall become operative as
 5 a law without the approval of the Governor, anything in this Constitution con-
 6 tained to the contrary notwithstanding, and no bill approved by a vote of the
 7 majority of the electors of the State, or of some division thereof, voting at the
 8 election at which the same is voted on shall be altered, amended or repealed, in
 8 whole or in part, unless either such alteration, amendment, or repeal be ap-
 10 proved by a vote of the majority of the electors of the State, or of such division
 11 thereof, voting at the election at which such alteration, amendment or re-
 12 peal is voted on, or the bill for such alteration, amendment or repeal shall be
 13 concurred in by three-fourths of the members elected to each House of the Gen-
 14 eral Assembly."

“Section 41. Any law enacted in the manner prescribed by Section thirty-eight (38) or Section thirty-nine (39) of this article may be adjudged invalid, in whole or in part, in any judicial proceeding, if, in the opinion of the court in which such proceeding is brought or to which the same is removed for review by appeal or writ of error, the same is in conflict with the Constitution of the United States or with any law enacted or treaty entered into in pursuance thereof, or if, in the opinion of such court, the same is in conflict with either of the following provisions of this Constitution, to-wit: Sections numbered three (3), thirteen (13), fourteen (14) and eighteen (18) of article two (2); section numbered twenty (20) of this article; article seven (7); sections numbered two (2) to four (4), both inclusive, of article eight (8); sections numbered seven (7) and eleven (11) of article nine (9); sections numbered one (1) to four (4), both inclusive, of article ten (10); sections numbered one (1) to fourteen (14), both inclusive, of article eleven (11); the separate section relating to the Illinois Central Railroad Company; the separate section relating to municipal subscriptions to railroads or private corporations; or the separate section relating to convict labor. Excepting as may be otherwise expressly provided by this article, no law adopted in the manner prescribed by Section thirty-eight (38) or Section thirty-nine (38) of this article shall be adjudged invalid, either in whole or in part, on any ground than one thus specified in this section; and no law shall be adjudged invalid *in toto* because of the invalidity of some portion thereof unless, when the invalid portion is stricken out, no effect can be given to the remaining portion thereof.

“Section 42. The General Assembly may, with respect to any law which, by the terms of this article, may be adjudged invalid, in whole or in part, provide that the same may, prior to the time fixed for the taking effect of the same, be submitted to the supreme court for its opinion as to the validity thereof and may make the taking effect of such act dependent upon the determination of the supreme court as to its validity. In any such case the time fixed for the taking

7 effect of such act shall be not less than six months after the submission of the
8 same to the supreme court for its opinion and it shall be the duty of the su
9 preme court to deliver its opinion, or the opinion of a majority of its judges,
10 upon such act to the Secretary of State within the time thus fixed, and upon the
11 receipt of such opinion it shall be the duty of the Secretary of State to make
12 publication of the same. Before the delivery by the supreme court of any such
13 opinion it shall be the duty of the court to set a time and place for a public
14 hearing with respect to the validity of such proposed law and to afford to per
15 sons interested therein such opportunity to be heard as the court may deem
16 necessary to aid it in the preparation of its opinion. The failure of the supreme
17 court to deliver to the Secretary of State its opinion with respect to the validity
18 of any such act prior to the time fixed for the taking effect of the same shall be
19 treated as a determination of the court that such act is in all respects valid and
20 the validity of the same shall not thereafter be questioned in any court of this
21 State, unless such act, or some part thereof, be found in conflict with the Con
22 stitution of the United States or with some law enacted or treaty entered into
23 in pursuance thereof."

1 Introduced by Mr. Tice, February 23, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary.

Resolved, By the House of Representatives of the State of Illinois, the Senate

2 *concurring therein:* That there shall be submitted to the electors of this
3 State for adoption or rejection at the next election of members of the General
4 Assembly a proposition to amend Section 1 and Sections 12 and 13 of Article
5 4, of the Constitution of this State, so that the same may read as follows:

6 Section 1. The legislative authority shall be vested in a General Assembly
7 which shall consist of a Senate and House of Representatives, both to be elected
8 by the people, but the people reserve to themselves power to propose laws and
9 to enact or reject same at the polls, independent of the General Assembly, and
10 also reserve power, at their own option to approve or reject any act or measure
11 passed by the General Assembly. The first power reserved by the people is the
12 initiative and not more than eight per cent. of the legal voters of this State
13 shall be required to propose any law by initiative petition, and every such peti-
14 tion shall include the full text of the law so proposed. Initiative petitions shall
15 be filed with the Secretary of State not less than thirty days before any regular
16 session of the General Assembly, and he shall transmit the same to the General
17 Assembly, as soon as it convenes and organizes. Such initiative measures shall
18 take precedence over all other measures in the General Assembly except appro-
19 priation bills, and shall be either enacted or rejected without change or amend-
20 ment by the General Assembly within forty days. If any such initiative meas-
21 ure shall be enacted by the General Assembly it shall be subject to referendum
22 petition, or may be referred by the General Assembly to the people for adoption

23 or rejection. If it is rejected or if no action is taken upon it by the General
 24 Assembly within said forty days, the Secretary of State shall submit it to the
 25 people for approval or rejection at the next ensuing regular general election.
 26 The General Assembly may reject any measure so proposed by initiative petition
 27 and propose a different one on the same subject, and in any such event both measures
 28 shall be submitted by the Secretary of State to the people for approval or rejection
 29 at the next ensuing regular election. If the conflicting measures so submitted
 30 to the people shall be approved by a majority of the votes severally cast for or
 31 against the same, the one receiving the highest number of affirmative votes shall
 32 thereby become law as to all conflicting provisions. The second power reserved by
 33 the people is the referendum, and it may be ordered (except as to laws necessary
 34 for the preservation of the public peace, health or safety) as to any measure
 35 passed by the General Assembly either by initiative petition or by the General Assembly
 36 as other bills are enacted. Not more than five per cent. of the legal voters
 37 of the State shall be required to sign and make a valid referendum petition.
 38 But, if it is necessary for the immediate preservation of the public peace, health
 39 or safety that a law should become effective without delay, such necessity and the
 40 facts creating the same shall be stated in one section of the bill, and if upon a ye
 41 and no vote in each house two-thirds of all the members of each house shall vote
 42 on a separate roll call in favor of the said law going into instant operation for
 43 the immediate preservation of the public peace, health or safety, such law shall
 44 become operative upon the approval of the Governor. Referendum petitions
 45 against measures passed by the General Assembly shall be filed with the Secretary
 46 of State within ninety days after the final adjournment of the session of
 47 the General Assembly which passed the measure on which the referendum is demanded;
 48 and the Secretary of State shall submit and refer such measure to the
 49 people for approval or rejection at the next ensuing regular general election,
 50 and such measure shall not become effective until approved by the people as
 51 herein provided. The veto power of the Governor shall not extend to measures
 52 referred to the people. All elections on measures referred to the people

53 shall be had at the next ensuing regular general election. Any measure re-
 54 ferred to the people shall become a law when it is approved by a majority of the
 55 votes cast thereon and not otherwise, and shall take effect from the date of the
 56 official declaration of the vote. The style of all initiative measures shall be "Be
 57 it enacted by the people of the State of Illinois." This section shall not be con-
 58 strued to deprive any member of the General Assembly of the right to intro-
 59 duce any measure. The whole number of votes cast for the State officer having
 60 the highest number of votes cast at the regular election last preceding the filing of
 61 any petition for the initiative or for the referendum shall be the basis on which the
 62 number of legal voters necessary to sign such a petition shall be counted, pro-
 63 vided that no more than fifty per cent. of the signers shall reside in any one
 64 county. All signatures must be verified by the circulators. Petitions and orders
 65 for the initiative and referendum shall be filed with the Secretary of State
 66 and he and all other officers shall be guided by the general laws and the resolution
 67 submitting this amendment until legislation shall be specially provided therefor.
 68 This amendment shall be self executing, but legislation may be enacted specially
 69 to facilitate its operation.

70 Section 12. Bills may originate in either house, but may be altered, amend-
 71 ed or rejected by the other; or they may originate in the people as provided in
 72 Section 1 of this Article; and on the final passage of all bills the vote shall be
 73 by ayes and nays upon each bill separately and shall be entered upon the jour-
 74 nal; and no bill shall become a law without the concurrence of a majority of the
 75 members elected to each house, unless upon submission to the people as provided
 76 in Section 1 of this Article it shall be approved by a majority of the votes cast
 77 thereon.

78 Section 13. Every bill shall be read at large on three different days, in each
 79 house, and the bill and all amendments thereto shall be printed before the vote
 80 is taken on its final passage, and every bill, having passed both Houses, shall be
 81 signed by the speakers thereof. No act hereafter passed shall embrace more

82 than one subject and that shall be expressed in the title. But if any sub-
83 ject shall be embraced in an Act which shall not be expressed in the title, such
84 Act shall be void only as to so much thereof as shall not be so expressed; and no
85 law shall be revived or amended by reference to its title only, but the law revived,
86 or the section amended, shall be inserted at length in the new Act. And no Act of
87 the General Assembly shall take effect until ninety days shall have elapsed
88 after the final adjournment of the General Assembly which passed the
89 Act, unless in case of emergency (which emergency shall be expressed in the pre-
90 amble or body of the Act), the General Assembly shall, by a vote of two-thirds of
91 all the members elected to each House, otherwise direct; provided, that laws
92 adopted by referendum shall go into effect as provided for in Section 1 of this
93 Article. *Provided, further,* that measures against which a referendum petition
94 is filed shall not become effective until approved by the people as provided for
95 in Section 1 of this Article.

1 Offered by Mr. Hamilton, March 2, 1911.

2 Referred to the Committee on Revenue.



Resolved, by the House of Representatives of the State of Illinois, the Sen-
2 *ate concurring therein,* That there shall be submitted to the electors of the State
3 of Illinois for adoption or rejection at the next election of members of the Gen-
4 eral Assembly, a proposition to amend the Constitution of the State of Illinois,
5 as follows:

6 *Resolved,* That Article IX of the Constitution of this State be amended by
7 adding thereto a section to be numbered and known as Section fourteen (14) to
8 read as follows:

8½ Section 14. From and after the date when this section shall be in force the
9 powers of the General Assembly over the subject matter of the taxation of per-
10 sonal property shall be as complete and unrestricted as they would be if Sections
11 one (1), three (3), nine (9) and ten (10) of this article of the Constitution did
12 not exist: *Provided, however,* that any tax levied upon personal property must
13 be uniform as to persons and property of the same class within the jurisdiction
14 of the body imposing the same, and all exemptions from taxation shall be by
15 general law and shall be revocable by the General Assembly at any time.

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- 1 Introduced by Mr. ApMadoc, January 17, 1911.
2 Read by title, ordered printed and referred to Committee on Judiciary when
appointed.
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A BILL

For an Act providing for a system of probation, for the appointment and compensation of probation officers, and authorizing the suspension of final judgment and the imposition of sentence upon persons found guilty of certain defined crimes and offenses, and legalizing their ultimate discharge without punishment.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That all courts having criminal and
3 quasi criminal jurisdiction, shall have power to deal in the manner hereinafter
4 provided with all offenders, whether adult or juvenile, brought within the juris-
5 diction of said courts, respectively, for any of the offenses hereinafter specified,
6 but that this Act shall not be construed as limiting or repealing an Act entitled,
7 “An Act to regulate the treatment and control of dependent, neglected and de-
8 linquent children,” approved April 21, 1899, in force July 1, 1899, or the Acts
9 amendatory thereof, or as restricting the jurisdiction conferred by said Act.

Sec. 2. Any defendant, adult or juvenile, who has never previously been
2 convicted of any crime or misdemeanor, who has entered a plea of guilty or been

found guilty by the verdict of a jury or the finding of a court of any of the hereinafter enumerated offenses or crimes, may, after a motion for a new trial has been overruled, and nothing remains to be done by the court except to pronounce sentence, request the judge who presided at his trial, to be admitted to release on probation, according to the provisions of this Act. Power to release on probation, shall, however, be limited to the following offenses:

First—All violations of municipal ordinances.

Second—All misdemeanors, except as hereinafter limited.

Third—The obtaining of money or property by false pretenses, where the value thereof is less than two hundred dollars (\$200).

Fourth—Larceny, embezzlement and malicious mischief where the property taken or converted or the injury done does not exceed two hundred dollars (\$200) in value.

Fifth—Burglary, where the amount feloniously taken does not exceed two hundred dollars (\$200) in value and the place burglarized was a place other than a business house, dwelling or other habitation.

Sixth—Attempt to commit burglary when the place attempted to be burglarized was a place other than a business house, dwelling, or other habitation.

Seventh—Burglary, when the burglar is found in a building other than a business house, dwelling house or other habitation.

Sec. 3. The request or application of a defendant to be admitted to probation, if granted, shall be deemed a waiver and release of all errors in the proceedings had, and also to the right of review of the final judgment and sentence that may thereafter be entered thereon: *Provided, however,* that the right to review orders with respect to probation may be granted as hereinafter provided.

Sec. 4. Orders granting or refusing release on probation shall be entered of record. Application for release on probation may in the discretion of the court be granted if it shall appear to the satisfaction of the court both that there is

4 reasonable ground to expect that the defendant may be reformed and that the in-
5 terests of society will be subserved. If such application is granted, the judge
6 granting the same shall thereupon enter an order continuing the cause for a
7 period not exceeding one year, and shall, by such order, fix and specify the terms
8 and conditions of the probation of such defendant as herein provided. A cause
9 continued pursuant to the provisions of this Act shall be deemed subject to the
10 jurisdiction of the court in which it is pending, or any judge thereof, for the full
11 period of its continuance, during which time orders may be entered with respect
12 to the conditions of probation, or final sentence imposed without the formal set-
13 ting aside of such order of continuance.

Sec. 5. Release on probation shall be upon the following conditions:

2 (1) That the probationer shall not, during the term of his probation, vio-
3 late any criminal law of the State of Illinois, or any ordinance of any munici-
4 pality of said State.

5 (2) That if convicted of a felony or misdemeanor he shall not, during the
6 term of his probation, leave the State without the consent of the court (grant-
7 ing his application for probation).

8 (3) That he shall make a monthly report of his whereabouts, conduct and em-
9 ployment and furnish such other information relating to the conditions of his pro-
10 bation, as may from time to time be required by rule or order of court, to the pro-
11 bation officer under whose charge he has been placed, and shall appear in person
12 before the court at such time as the court may direct or the rule of court provide.

13 (4) That he shall enter into a bond or recognizance in such sum as the
14 court may direct, with or without sureties, to perform the conditions imposed,
15 which shall run to the People of the State of Illinois and may be sued on by any
16 person thereunto authorized by the court for the use of the parties in interest
17 as the same may appear.

18 And the court may impose any one or more of the following additional con-
19 ditions and no others:

20 (1) That he shall make restitution, in whole or in part, immediately or
21 within the period of probation to the person or persons injured or defrauded.

22 (2) That he shall make contribution for his earnings for the support of
23 those dependent upon him subject to the supervision of the court.

24 (3) That he shall pay the costs of the proceedings, not exceeding one dol-
25 lar per month during the continuance of the probation.

Sec. 6. The court shall have discretionary power to remit such costs as
2 may be imposed, or any portion thereof. Such costs as may be collected shall
3 be transmitted to the county treasurer at such times as may be provided by
4 rules of court.

Sec. 7. At any time during the period of probation, the court may, upon re-
2 port by a probation officer or other satisfactory proof of the violation by the pro-
3 bationer of any of the conditions of his probation, evoke and terminate the same
4 and issue a warrant for the arrest of the probationer, which warrant shall run
5 throughout the State, and may be served by any probation officer in the State,
6 or by any officer authorized to serve criminal process in any city or county in
7 the State. Upon the probationer being brought before the court for violation
8 of his probation, the court may enter a rule upon the probationer to show cause
9 why his probation should not be terminated and judgment entered, and sentence
10 imposed upon the original conviction.

11 If, upon the probationer being brought before the court, the court shall be
12 of the opinion that the interests of justice do not require the imposition of sen-
13 tence, and that said probationer should be recommitted to the care of the pro-
14 bation officer, the court may discharge the probationer from arrest, and may
15 recommit him to the care of the probation officer, subject, however, to the maxi-
16 mum limitation of the probation period as hereinbefore provided.

17 But if the court shall be of the opinion that the interests of justice require
18 the imposition of sentence the same shall then be imposed. And in computing

19 the period for which he is to be confined, the time between his release upon
20 probation and his return to custody shall not be taken to be any part of the term
21 of his sentence.

Sec. 8. Upon the termination of the probation period, the probation officer shall report the fact to the court and also the conduct of the probationer during the period of probation, and the court may thereupon discharge the probationer from further supervision or extend the probation period, as the circumstances require: *Provided*, The maximum period of probation herein limited shall not be exceeded.

7 When a probationer is discharged upon the expiration of the probation
8 period, or upon its earlier termination by order of the court, entry of the discharge shall be made in the records of the court, and the probationer shall be
9 entitled to a certified copy thereof.

Sec. 9. Should any probationer found guilty of a misdemeanor or a felony depart or attempt to depart from this State without the prior leave of the court that placed him on probation, such act or attempted act shall, of itself, operate as a termination of his probation and the court shall thereupon enter final judgment and sentence against him, and he may thereupon be proceeded against as a fugitive from justice. When re-arrested and brought before the court, the court entering such final judgment shall have power to set the same aside and proceed in its discretion with respect to such probationer as though such final judgment had never been entered.

Sec. 10. The circuit court of each of the several counties in this State shall appoint a probation officer to act as such for and throughout the county in which he shall be appointed. The circuit court of any county may appoint such number of additional probation officers for such county as the court may deem to be necessary or advisable: *Provided*, The number of probation officers

6 to be appointed for any county shall in no event exceed one for every fifty
7 thousand inhabitants of such county, the school census preceding any appoint-
8 ment to be the basis for the determination of the number of inhabitants of such
9 county. Any circuit court, in any county in which there are five or more pro-
10 bation officers, may also, in its discretion, appoint a chief probation officer in
11 addition to the number of probation officers herein provided for. Said proba-
12 tion officers may be male or female, shall be of good character, shall possess
13 such other qualifications as may be provided by rules to be adopted by such
14 courts respectively, and may by such rules each be required to give bond in a
15 sum not exceeding Five Thousand (\$5,000) Dollars, conditioned for the faith-
16 ful discharge of the duties of such probation officer, and otherwise as provided
17 by said rules, such bond to be with such sureties as may be approved by the
18 court. Said probation officers shall, unless sooner removed, serve as such for
19 a period of one year from the date of their appointment and until
20 their successors shall severally be appointed and qualified, shall be
21 subject to the orders of the courts appointing them and remov-
22 able in the discretion thereof by an order duly entered of record. Said
23 circuit courts may adopt general rules not inconsistent with the provisions of
24 this Act, and promotive of its letter and spirit, providing, among other things,
25 for the qualifications of probation officers, their duties, and such other matters
26 as may seem expedient. In any city in this State having a population of fifty
27 thousand or less inhabitants, as shown by the preceding school census, in which
28 city there has been or may hereafter be established a municipal or city court,
29 such municipal or city court shall appoint one probation officer for such munic-
30 ipal or city court, in which case the number of probation officers to which any
31 county is entitled as above provided, shall be reduced by the number of munic-
32 ipal or city courts in said county established for cities having a population of
33 fifty thousand or less inhabitants. The remaining probation officers to which
34 any county may be entitled as aforesaid shall be equally apportioned between

35 the county and the several cities, if any therein that severally have a popula-
 36 tion of more than fifty thousand inhabitants. Such probation officers so ap-
 37 portioned to such county shall be appointed by the circuit court of said county,
 38 and such probation officers so apportioned to such cities shall be appointed by
 39 the municipal or city courts in said several cities. The judges of the circuit
 40 court of any county and of the municipal or city courts therein established for
 41 cities having a population of more than fifty thousand inhabitants, shall meet
 42 as a unit body at such times as they deem proper, and at any such meeting may
 43 appoint a chief probation officer to act as such over all the probation officers
 44 appointed by any of said courts. Said judges may, at any such meeting, adopt
 45 general rules not inconsistent with the provisions of this Act, but promotive
 46 of its letter and spirit and such other business concerning the subject matter
 47 of this Act as to said judges may seem proper. Said judges may, at any such
 48 meeting appoint a committee of such number of them as they may determine
 49 to exercise the ministerial powers of said entire body of judges and the powers
 50 of appointment and removal of the chief probation officer, such committee to
 51 report to the entire body of judges at such time as may be required by rules or
 52 by specific order.

Sec. 11. Any reputable private person, male or female, who shall be of
 2 the age of twenty-five years or upwards, may be appointed a probation officer.
 3 Any probation officer heretofore or hereafter appointed under the provisions of
 4 an Act entitled "An Act to regulate the treatment and control of dependents,
 5 and neglected and delinquent children," approved April 21, 1899, in force July
 6 1, 1899, and the amendments thereto, may be appointed a probation officer and
 7 act as such under the provisions of this Act: *Provided, however,* That his total
 8 compensation shall not exceed the maximum amount fixed in this Act.

9 Members of the police force and of any city or village, if specially detailed
 10 by their commanding officer to the work, may be appointed probation officers in

11 said city or village, and in case any police officer is so appointed a probation offi-
 12 cer he shall receive no additional compensation because of such appointment.

13 Volunteer probation officers may be appointed who shall serve without
 14 salary, who shall possess the same powers and duties as other probation officers
 15 appointed pursuant to the provisions of this Act.

16 Before entering upon his office, each probation officer shall take and sub-
 17 scribe an oath before the county clerk of his county to support the constitution
 18 and laws of the United States and of the State of Illinois and faithfully to per-
 19 form the duties of his office.

Sec. 12. Probation officers, in the exercise of their official duties, and
 2 sheriffs, constables and police officers, may, anywhere within the State, arrest
 3 on view any probationer found by them violating any of the conditions of his
 4 probation, or the rules and regulations governing the same, and it shall be the
 5 duty of the officer making such arrest immediately to take said probationer be-
 6 fore the court having jurisdiction over him for further order.

Sec. 13. The duties of probation officers shall be:

2 1. To investigate, when required by rule of court or by specific order, the
 3 case of any person arrested or subject to trial who may become entitled to in-
 4 voke or who may have invoked the provisions of this Act, and as accurately and
 5 as fully as diligence will enable to ascertain (a) the personal characteristics,
 6 habits, associations and previous conduct of such person, (b) the names, rela-
 7 tionships, ages and conditions of those dependent upon him for support, main-
 8 tenance and education, and (c) such other and further facts as may aid the court
 9 as well in determining the propriety of probation as in fixing the conditions
 10 thereof. To the end that such investigation may be properly made, a probation
 11 officer commissioned to investigate shall be afforded full opportunity to confer
 12 with the person to be investigated when such person is in custody.

13 2. To report in writing the result of such investigation.

14 3. To preserve complete and accurate records of cases investigated, includ
 15 ing a description of the person investigated sufficient for identification, the ac-
 16 tion of the court with respect to his case and his probation, the subsequent his-
 17 tory of such person if he becomes a probationer during the continuance of his
 18 probation, which records shall be open to inspection by any judge or by any pro-
 19 bation officer pursuant to order of court, but shall not be a public record, and its
 20 contents shall not be divulged otherwise than as above provided, except upon
 21 order of court.

22 4. To make such other investigations and reports as the court may direct
 23 or as may be required by rule.

24 5. To take charge of and watch over all persons placed on probation
 25 under such regulations and for such terms as may be prescribed by the court,
 26 and giving to each probationer full instructions as to the terms of his release
 27 upon probation and requiring from him such periodical reports as shall keep the
 28 officer informed as to his conduct.

29 6. To perform such other duties as are provided for in this Act or by
 30 rules of court and such incidental duties as may be implied from those expressly
 31 required.

Sec. 14. It shall be the duty of the chief probation officer appointed as pro-
 2 vided in this Act, to supervise and control the work of all subordinate probation
 3 officers (including volunteers) under his jurisdiction and control as herein pro-
 4 vided, subject to such rules and regulations as may be adopted by the court or
 5 judges as herein provided, and to supervise the conduct of probationers to such
 6 extent as the court, or said judges and the rules herein provided for may direct.

7 Any chief probation officer shall have authority to suspend any probation
 8 officer under his supervision for a period not exceeding thirty days, but may
 9 not discharge, and it shall be the duty of such chief probation officer promptly
 10 to file charges against any probation officer so suspended by him, with the court

11 or judges appointing such probation officer, and said court or judges shall there-
12 upon investigate said charges and may hear evidence, and shall act thereon as
13 the interests of justice and the good of the probation service may require.

14 The records concerning probationers shall be kept in one office under the
15 supervision of the chief probation officer, to whom all such probation officers
16 must report. It shall be the duty of the board of county commissioners or
17 supervisors of each county in this State in which a chief probation officer may
18 be appointed, to furnish suitable rooms and accommodations for said probation
19 officer, all probation officers under his jurisdiction and clerical assistants, and
20 for the keeping of said records and such equipment and supplies as may be pro-
21 vided by the board of county commissioners or supervisors. The number of
22 such clerical assistants shall be determined by the circuit court or the judges
23 appointing said probation officer as aforesaid. Salaries of said assistants shall
24 be fixed by the board of county commissioners or supervisors.

Sec. 15. The amount of compensation to be paid any probation officer or
2 chief probation officer appointed by any circuit court shall be determined by the
3 board of commissioners or supervisors of the several counties in which said of-
4 ficers respectively are appointed, and shall be paid by the county treasurer on
5 the warrant of the county comptroller or other person authorized to issue war-
6 rants on the county treasurer; the amount of compensation to be paid to any
7 probation officer appointed by any municipal or city court shall be determined
8 by the city council of the city in which such municipal or city court is situated,
9 and shall be paid out of the city treasury on warrants drawn for that purpose;
10 the compensation to be paid to any chief probation officer appointed jointly by
11 the judges of the circuit court of any county, and the judges of any municipal
12 or city court, as provided in section 10 of this Act, shall be equally apportioned
13 between the county and the cities, the judges of whose courts made such ap-
14 pointment as aforesaid, and the amount thereof shall be fixed by said judges

15 and approved by the board of county commissioners or supervisors of such
16 county and by the city councils of the cities for which said chief probation of-
17 ficer is appointed as aforesaid: *Provided, however,* That the compensation
18 paid any chief probation officer in counties of the third class shall not exceed
19 Three Thousand Dollars (\$3,000) a year; the compensation of each of not more
20 than three assistant probation officers in counties of said class shall not exceed
21 Eighteen Hundred Dollars (\$1,800) a year, and the compensation of any other
22 probation officer in counties of said class shall in the case of probation officers
23 of the circuit court be fixed by the county board, and in the case of probation of-
24 ficers appointed by a municipal or city court by the city council: *And, provided,*
25 That the compensation of any chief probation officer in counties of the second
26 class shall not exceed Twelve Hundred Dollars (\$1,200) a year, and the compen-
27 sation of any other probation officer in counties of said class shall not exceed
28 Eight Hundred Dollars (\$800) a year: *And, provided,* That in counties of the
29 first class the compensation of any probation officer shall be limited to a per
30 diem of not to exceed Three Dollars (\$3) per day for such time only as said of-
31 ficer shall be actually engaged in the discharge of his official duties. Probation
32 officers shall, in counties of said first class, be entitled to their necessary traveling
33 and other expenses incurred in the discharge of their official duties, but in coun-
34 ties of the second and third classes no probation officer shall be entitled to be
35 reimbursed for any traveling expenses unless such officer shall be called upon
36 to go outside of his county, in which case such officer shall be reimbursed for
37 his necessary traveling expenses, and the court having jurisdiction may, by
38 special order duly entered, direct that a probation officer shall be reimbursed
39 for other expenses, incurred in any case pending before said court. All such ex-
40 penses after being certified by the presiding judge of the circuit court or the
41 committee of judges provided for in section 10 of this Act and approved by the
42 board of county commissioners or board of supervisors of such county, shall
43 be paid by the county treasurer on warrant by the proper county officer. No

44 probation officer receiving compensation from any public funds under the pro-
45 visions of this Act shall receive any compensation, gift or gratuity whatsoever
46 from any person, firm or corporation for doing, or refraining from doing any
47 official act in any way connected with his work as probation officer, or in any way
48 connected with any proceeding then pending or about to be instituted in any
49 court with which said probation officer has to do. Any probation officer receiv-
50 ing compensation from any public funds under the provisions of this Act, who
51 shall receive any compensation, gift or gratuity whatever from any person,
52 firm or corporation for doing or refraining from doing any official act in any way
53 connected with his work as probation officer, or in any way connected with any
54 proceeding then pending or about to be instituted in any court with which said
55 probation officer has to do, shall be deemed guilty of a misdemeanor, and may
56 be punished accordingly and may be immediately removed by the court or
57 judges having the power of removal.

Sec. 16. A defendant who shall have successfully invoked the provisions
2 of this Act may review, by appeal in the same manner, as near as may be, as in
3 case of appeal from the circuit courts in misdemeanors, or writ of error, any
4 order changing, modifying or terminating the probation period. The appellate
5 courts of this State are hereby given jurisdiction finally to hear and determine all
6 such appeals and writs of error, and such courts may affirm, reverse or modify
7 such orders so that the same shall conform to the provisions of this Act, and so
8 that its purposes and the interests of justice and society shall be best sub-
9 served.

Sec. 17. Nothing in this Act contained shall be construed in any way as
2 depriving any person of the right of trial by jury, or as interfering with, or en-
3 croaching upon, the prerogative of the Governor to grant reprieves, commuta-
4 tions and pardons after conviction for all offenses, or with the right of the
5 Board of Pardons to parole offenders after sentence and conviction, as pro-

6 vided in the Act entitled, "An Act to revise the law in relation to the sentence
7 and commitment of persons convicted of crime and providing for a system of
8 parole and to provide compensation for the officers of such system of parole,"
9 approved April 21, 1899, in force July 1, 1899, and the amendments thereto.

Sec. 18 The invalidity of any portion of this Act shall not affect the va-
2 lidity of any other portion thereof which can be given effect without such invalid
3 part.



1 Adopted March 22, 1911.

AMENDMENT NO. 1.

Amend Section 2 of House Bill No. 1 (as printed) by adding after the word
2 “ordinances” in line 9 of said Section 2 the following: “where the offense is
3 also a violation in whole or in part of the statute.”

AMENDMENT NO. 2.

Amend Section 2 of House Bill No. 1 (as printed) by striking out the words
2 “is less than” appearing after the word “thereof” in line 12 of said Section 2 and
3 inserting in lieu thereof the words, “does not exceed.”

AMENDMENT NO. 3.

Amend Section 6 of House Bill No. 1 (as printed) by striking out all of
2 said section after the word “thereof” appearing in the second line of said Sec-
3 tion 6.

AMENDMENT NO. 4.

Amend Section 9 of House Bill No 1 (as printed) by striking out the word
2 “final” appearing in lines 4, 7, and 9 of said section. And also by striking out
3 the words, “and sentence against him,” in line 5 of said section and inserting in
4 lieu thereof the words “terminating such probation.”

AMENDMENT NO. 5.

Amend Section 10 of House Bill No. 1 of bill (as printed) by striking out
2 the words “may be male or female” appearing between the word “officers” and
3 the word “shall” in line 12 of said Section.

AMENDMENT NO. 6.

Amend Section 11 of House Bill No. 1 (as printed) by striking out the words
 2 “male or female” appearing between the word “person” and the word “who” in
 3 line 1 of said Section 11.

AMENDMENT NO. 7.

Amend Section 11 of House Bill No. 1 (as printed) by striking out lines 13,
 2 14, and 15 of said Section 11.

AMENDMENT NO. 8.

Amend Section 14 of House Bill No. 1 (as printed) by striking out the paren-
 2 thesis and the words “including volunteers” appearing in said parenthesis in
 3 line 3 of said Section 14.

AMENDMENT NO. 9.

Amend Section 15 of House Bill No. 1 of bill (as printed) by striking out the
 2 words “may” appearing at the end of line 55 in said Section 15 and inserting in
 3 lieu thereof the word “shall” and by striking out the word “may” in line 56 of
 4 Section 15 and inserting in lieu thereof the word “shall”.

AMENDMENT NO. 10.

Amend House Bill No. 1, Section 12, in line 4, by striking out the words “or
 2 the rules and regulations governing the same.”

AMENDMENT NO. 11.

Amend House Bill No. 1 (as printed) by striking out all of Section three on
 2 page two.

AMENDMENT NO. 12.

Provided, further, that under the provisions the number of probation officers
 2 in any county shall not exceed the number of twenty.

AMENDMENT NO. 13.

Amend Section ten of House Bill No. 1 by striking out the word “shall” in
 2 line 2, and inserting in lieu thereof the word “may.”



1 Adopted March 23, 1911.

AMENDMENT NO. 14.

Amend House Bill No. 1, as amended, by striking out all after the enacting
2 clause and inserting in lieu thereof the following:

3 That all courts having criminal and quasi criminal jurisdiction shall have
4 power to deal in the manner hereinafter provided with all offenders, whether
5 adult or juvenile, brought within the jurisdiction of said courts, respectively
6 for any of the offenses hereinafter specified, but that this Act shall not be con-
7 strued as limiting or repealing an Act entitled "An Act to regulate the treat
8 ment and control of dependent, neglected and delinquent children," approved
9 April 21, 1899, in force July 1, 1899, or the Acts amendatory thereof, or as re-
10 stricting the jurisdiction conferred by said Act.

Sec. 2. Any defendant, adult or juvenile, who has never previously been
2 convicted of any crime or misdemeanor, who has entered a plea of guilty or
3 been found guilty by the verdict of a jury or the finding of a court of any of
4 the hereinafter enumerated offenses or crimes, may, after a motion for a new
5 trial has been overruled, and nothing remains to be done by the court except to
6 pronounce sentence, request the judge who presided at his trial, to be admit-
7 ted to release on probation, according to the provisions of this Act. Power
8 to release on probation, shall, however, be limited to the following offenses:

9 First All violations of municipal ordinances where the offense is also a
10 violation, in whole or in part, of a statute.

11 Second All misdemeanors, except as hereinafter limited.

12 Third—The obtaining of money or property by false pretenses, where the
13 value thereof does not exceed two hundred dollars (\$200).

14 Fourth—Larceny, embezzlement and malicious mischief where the property
15 taken or converted or the injury done does not exceed two hundred dollars
16 (\$200) in value.

17 Fifth—Burglary, where the amount feloniously taken does not exceed two
18 hundred dollars (\$200) in value and the place burglarized was a place other than
19 a business house, dwelling or other habitation.

20 Sixth—Attempt to commit burglary when the place attempted to be bur-
21 glarized was a place other than a business house, dwelling, or other habitation.

22 Seventh—Burglary, when the burglar is found in a building other than a
23 business house, dwelling house, or other habitation.

Sec. 3. Orders granting or refusing release on probation shall be entered
2 of record. Application for release on probation may, in the discretion of the
3 court, be granted if it shall appear to the satisfaction of the court both that
4 there is reasonable ground to expect that the defendant may be reformed and
5 that the interests of society will be subserved. If such application is granted.
6 the judge granting the same shall thereupon enter an order continuing the cause
7 for a period not exceeding six months in cases of violation of municipal or
8 dinances where the offense is also a violation, in whole or in part, of a statute
9 and not exceeding one year in the case of other offenses enumerated in Section
10 two of this Act, and shall by such order, fix and specify the terms and conditions
11 of the probation of such defendant as herein provided. A cause continued pur-
12 suant to the provisions of this Act shall be deemed subject to the jurisdiction of
13 the court in which it is pending, or any judge thereof, for the full period of its

14 continuance, during which time orders may be entered with respect to the con-
15 ditions of probation, or final sentence imposed without the formal setting aside
16 of such order of continuance.

Sec. 4. Release on probation shall be upon the following conditions:

2 (1) That the probationer shall not, during the term of his probation, vio-
3 late any criminal law of the State of Illinois, or any ordinance of any municipal-
4 ity of said State.

5 (2) That if convicted of a felony or misdemeanor he shall not, during the
6 term of his probation, leave the State without the consent of the court (grant-
7 ing his application for probation).

8 (3) That he shall make a monthly report of his whereabouts, conduct and
9 employment and furnish such other information relating to the conditions of his
10 probation, as may from time to time be required by rule or order of court, to the
11 probation officer under whose charge he has been placed, and shall appear in
12 person before the court at such time as the court may direct or the rule of court
13 provide.

14 (4) That he shall enter into a bond or recognizance in such sum as the court
15 may direct, with or without sureties, to perform the conditions imposed, which
16 shall run to the People of the State of Illinois and may be sued on by any person
17 thereunto authorized by the court for the use of the parties in interest as the same
18 may appear.

19 And the court may impose any one or more of the following additional con-
20 ditions and no others:

21 (1) That he shall make restitution, in whole or in part, immediately or
22 within the period of probation to the person or persons injured or defrauded.

23 (2) That he shall make contribution for his earnings for the support of
24 those dependent upon him subject to the supervision of the court.

25 (3) That he shall pay the costs of the proceedings, not exceeding one dol-
26 lar per month during the continuance of the probation.

Sec. 5. The court shall have discretionary power to remit such costs as
2 may be imposed, or any portion thereof. Such costs as may be collected shall be
3 transmitted to the county treasurer at such times as may be provided by rules
4 of court.

Sec. 6. At any time during the period of probation, the court may, upon re
2 port by a probation officer or other satisfactory proof of the violation by the
3 probationer of any of the conditions of his probation, revoke and terminate the
4 same and issue a warrant for the arrest of the probationer, which warrant shall
5 run throughout the State, and may be served by any probation officer in the
6 State, or by any officer authorized to serve criminal process in any city or county
7 in the State. Upon the probationer being brought before the court for violation
8 of his probation, the court may enter a rule upon the probationer to show
9 cause why his probation should not be terminated and judgment entered, and
10 sentence imposed upon the original conviction and release upon bail shall be al-
11 lowed as in other cases.

12 If, upon the probationer being brought before the court, the court shall be of
13 the opinion that the interests of justice do not require the imposition of sen-
14 tence, and that said probationer should be re-committed to the care of the pro-
15 bation officer, the court may discharge the probationer from arrest, and may
16 re-commit him to the care of the probation officer, subject, however, to the maxi-
17 mum limitation of the probation period as hereinbefore provided.

18 But if the court shall be of the opinion that the interests of justice require
19 the imposition of sentence the same shall then be imposed. And in computing the
20 period for which he is to be confined, the time between his release upon probation
21 and his return to custody shall not be taken to be any part of the term of his
22 sentence.

Sec. 7. Upon the termination of the probation period, the probation officer shall report the fact to the court and also the conduct of the probationer during the period of probation, and the court may thereupon discharge the probationer from further supervision or extend the probation period, as the circumstances require: *Provided*, the maximum period of probation herein limited shall not be exceeded.

When a probationer is discharged upon the expiration of the probation period, or upon its earlier termination by order of the court, entry of the discharge shall be made in the records of the court, and the probationer shall be entitled to a certified copy thereof.

Sec. 8. Should any probationer found guilty of a misdemeanor or a felony depart from this State without the prior leave of the court that placed him on probation, such Act or attempted Act shall, of itself, operate as a termination of his probation and the court shall thereupon enter judgment terminating such probation and he may thereupon be proceeded against as a fugitive from justice. When re-arrested and brought before the court, the court entering such judgment shall have power to set the same aside and proceed in its discretion with respect to such probationer as though such judgment had never been entered.

Sec. 9. The circuit court of each of the several counties in this State may appoint a probation officer to act as such for and throughout the county in which he shall be appointed. The circuit court of any county may appoint such number of additional probation officers for such county as the court may deem to be necessary or advisable: *Provided*, the number of probation officers to be appointed for any county shall in no event exceed one for every fifty thousand inhabitants of such county, the school census preceding any appointment to be

9 the basis for the determination of the number of inhabitants of such county;
 10 *Provided, further,* that in no event shall the number of probation officers, in any
 11 one county, exceed twenty. Any circuit court, in any county in which there
 12 are five or more probation officers, may also, in its discretion, appoint a chief
 13 probation officer in addition to the number of probation officers herein provided
 14 for. Said probation officers shall be of good character, shall possess such other
 15 qualifications as may be provided by rules to be adopted by such courts respec-
 16 tively, and may by such rules each be required to give bond in a sum not ex-
 17 ceeding Five Thousand (\$5,000) Dollars, conditioned for the faithful discharge
 18 of the duties of such probation officer, and otherwise as provided by said rules
 19 such bond to be with such sureties as may be approved by the court. Said pro-
 20 bation officers shall, unless sooner removed, serve as such for a period of one
 21 year from the date of their appointment and until their successors shall sev-
 22 erally be appointed and qualified, shall be subject to the orders of the courts ap-
 23 pointing them and removable in the discretion thereof by an order duly entered
 24 of record. Said circuit courts may adopt general rules not inconsistent with the
 25 provisions of this Act, and promotive of its letter and spirit, providing, among
 26 other things, for the qualifications of probation officers, their duties, and such
 27 other matters as may seem expedient. In any city in this State having a popu-
 28 lation of fifty thousand or less inhabitants, as shown by the preceding school
 29 census, in which city there has been or may hereafter be established a municipal
 30 or city court, such municipal or city court shall appoint one probation officer for
 31 such municipal or city court, in which case the number of probation officers to
 32 which any county is entitled as above provided, shall be reduced by the number of
 33 municipal or city courts in said county established for cities having a population
 34 of fifty thousand or less inhabitants. The remaining probation officers to which
 35 any county may be entitled as aforesaid shall be equally apportioned between
 36 the county and the several cities, if any therein that severally have a population

37 of more than fifty thousand inhabitants. Such probation officers so appor-
 38 tioned to such county shall be appointed by the circuit court of said county,
 39 and such probation officers so apportioned to such cities shall be appointed by
 40 the municipal or city courts in said several cities. The judges of the circuit
 41 court of any county and of the municipal or city courts therein established for
 42 cities having a population of more than fifty thousand inhabitants, shall meet
 43 as a unit body at such times as they deem proper, and at any such meeting
 44 may appoint a chief probation officer to act as such over all the probation of-
 45 ficers appointed by any of said courts. Said judges may, at any such meet-
 46 ing adopt general rules not inconsistent with the provisions of this Act, but pro-
 47 motive of its letter and spirit and such other business concerning the subject
 48 matter of this Act as to said judges may seem proper. Said judges may, at any
 49 such meeting appoint a committee of such number of them as they may deter-
 50 mine to exercise the ministerial powers of said entire body of judges and
 51 the powers of appointment and removal of the chief probation officer, such com-
 52 mittee to report to the entire body of judges at such time as may be required
 53 by rules or by specific order.

Sec. 10. Any reputable private person who shall be of the age of twenty-
 2 five years or upwards, may be appointed a probation officer.

3 Members of the police force of any city or village, if specially detailed by
 4 their commanding officer to the work, may be appointed probation officers in said
 5 city or village, and in case any police officer is so appointed a probation officer
 6 he shall receive no additional compensation because of such appointment.

7 Before entering upon his office, each probation officer shall take and sub-
 8 scribe an oath before the county clerk of his county to support the constitution
 9 and laws of the United States and of the State of Illinois, and faithfully to
 10 perform the duties of his office.

Sec. 11. Probation officers, in the exercise of their official duties, and
2 sheriffs, constables and police officers, may, anywhere within the State, arrest on
3 view any probationer found by them violating any of the conditions of his proba-
4 tion, and it shall be the duty of the officer making such arrest immediately to
5 take said probationer before the court having jurisdiction over him for further
6 order.

Sec. 12. The duties of probation officers shall be:

2 1. To investigate, when required by rule of court or by specific order, the
3 case of any person who has invoked the provisions of this Act, and as accurately
4 and as fully as diligence will enable to ascertain (a) the personal characteris-
5 ties, habits, associations and previous conduct of such person, (b) the names, re-
6 lationships, ages and conditions of those dependent upon him for support, main-
7 tenance and education, and (c) such other and further facts as may aid the court
8 as well in determining the propriety of probation as in fixing the conditions
9 thereof. To the end that such investigation may be properly made, a probation
10 officer commissioned to investigate shall be afforded full opportunity to confer
11 with the person to be investigated when such person is in custody.

12 2. To report in writing the result of such investigation.

13 3. To preserve complete and accurate records of cases investigated, includ-
14 ing a description of the person investigated, the action of the court with respect
15 to his case and his probation, the subsequent history of such person if he be-
16 comes a probationer during the continuance of his probation, which records shall
17 be open to inspection by any judge or by any probation officer pursuant to or-
18 der of court, but shall not be a public record, and its contents shall not be
19 divulged otherwise than as above provided, except upon order of court.

20 4. To take charge of and watch over all persons placed on probation under
21 such regulations and for such terms as may be prescribed by the court, and

22 giving to each probationer full instructions as to the terms of his release upon
23 probation and requiring from him such periodical reports as shall keep the officer
24 informed as to his conduct.

25 5. To perform such other duties as are provided for in this Act or by
26 rules of court and such incidental duties as may be implied from those express-
27 ly required.

Sec. 13. It shall be the duty of the chief probation officer appointed as pro
2 vided in this Act, to supervise and control the work of all subordinate probation
3 officers under his jurisdiction and control as herein provided, subject to such
4 rules and regulations as may be adopted by the court or judges as herein pro-
5 vided, and to supervise the conduct of probationers to such extent as the court,
6 or said judges and the rules herein provided for may direct.

7 Any chief probation officer shall have authority to suspend any probation
8 officer under his supervision for a period not exceeding thirty days, but may not
9 discharge, and it shall be the duty of such chief probation officer promptly to
10 file charges against any probation officer so suspended by him, with the court or
11 judges appointing such probation officer, and said court or judges shall there
12 upon investigate said charges and may hear evidence, and shall act thereon as
13 the interests of justice and the good of the probation service may require.

14 The records concerning probationers shall be kept in one office under the
15 supervision of the chief probation officer, to whom all such probation officers
16 must report. It shall be the duty of the board of county commissioners or super-
17 visors of each county in this State in which a chief probation officer may be
18 appointed, to furnish suitable rooms and accommodations for said probation of-
19 ficer, all probation officers under his jurisdiction and clerical assistants, and for
20 the keeping of said records and such equipment and supplies as may be provided
21 by the board of county commissioners or supervisors. The number of such cleri-

22 cal assistants shall be determined by the circuit court or the judges appointing
23 said probation officer as aforesaid. Salaries of said assistants shall be fixed by
24 the board of county commissioners or supervisors.

Sec. 14. The amount of compensation to be paid any probation officer or
2 chief probation officer appointed by any circuit court shall be determined by the
3 board of commissioners or supervisors of the several counties in which said
4 officers respectively are appointed, and shall be paid by the county treasurer on
5 the warrant of the county comptroller or other person authorized to issue war-
6 rants on the county treasurer; the amount of compensation to be paid to any pro-
7 bation officer appointed by any municipal or city court shall be determined by the
8 city council of the city in which such municipal or city court is situated, and shall
9 be paid out of the city treasury on warrants drawn for that purpose; the com-
10 pensation to be paid to any chief probation officer appointed jointly by the judges
11 of the circuit court of any county, and the judges of any municipal or city court,
12 as provided in Section 10 of this Act, shall be equally apportioned between the
13 county and the cities, the judges of whose courts made such appointment as afore-
14 said, and the amount thereof shall be fixed by said judges and approved by the
15 board of county commissioners or supervisors of such county and by the city
16 councils of the cities for which said chief probation officer is appointed as afore-
17 said: *Provided, however,* that the compensation paid any chief probation officer
18 in counties of the third class shall not exceed Three Thousand Dollars (\$3,000) a
19 year; the compensation of each of not more than three assistant probation offi-
20 cers in counties of said class shall not exceed Eighteen Hundred Dollars
21 (\$1,800) a year, and the compensation of any other probation officer in counties
22 of said class shall in the case of probation officers of the circuit court be fixed
22 by the county board, and in the case of probation officers appointed by a municipi-
24 pal or city court by the city council: *And, provided,* that the compensation of
25 any chief probation officer in counties of the second class shall not exceed

26 Twelve Hundred Dollars (\$1,200) a year, and the compensation of any other pro-
27 bation officer in counties of said class shall not exceed Eight Hundred Dollars
28 (\$800) a year: *And, provided, that* in counties of the first class the compensa-
29 tion of any probation officer shall be limited to a per diem of not to exceed
30 Three Dollars (\$3) per day for such time only as said officer shall be actually en-
31 gaged in the discharge of his official duties. Probation officers shall, in counties
32 of said first class, be entitled to their necessary traveling and other expenses in-
33 curred in the discharge of their official duties, but in counties of the second and
34 third classes no probation officer shall be entitled to be reimbursed for any
35 traveling expenses unless such officer shall be called upon to go outside of his
36 county, in which case such officer shall be reimbursed for his necessary travel-
37 ing expenses, and the court having jurisdiction may, by special order duly en-
38 tered, direct that a probation officer shall be reimbursed for other expenses, in-
39 curred in any case pending before said court. All such expenses after being
40 certified by the presiding judge of the circuit court or the committee of judges
41 provided for in Section 10 of this Act and approved by the board of county com-
42 missioners or board of supervisors of such county, shall be paid by the county
43 treasurer on warrant by the proper county officer. No probation officer receiv-
44 ing compensation from any public funds under the provisions of this Act shall
45 receive any compensation, gift or gratuity whatsoever from any person, firm or
46 corporation for doing, or refraining from doing any official act in any way con-
47 nected with his work as probation officer, or in any way connected with any pro-
48 ceeding then pending or about to be instituted in any court with which said pro-
49 bation officer has to do. Any probation officer receiving compensation from any
50 public funds under the provisions of this Act, who shall receive any compensa-
51 tion, gift or gratuity whatever from any person, firm or corporation for
52 doing or refraining from doing any official act in any way connected with his work
53 as probation officer, or in any way connected with any proceeding then pending
54 or about to be instituted in any court with which said probation officer has

55 to do, shall be deemed guilty of a misdemeanor, and shall be punished according-
56 ly and shall be immediately removed by the court or judges having the power of
57 removal.

Sec. 15. A defendant who shall have successfully invoked the provisions
2 of this Act may review, by appeal in the same manner, as near as may be, as
3 in case of appeal from the circuit courts in misdemeanors, or writ of error, any
4 order changing, modifying or terminating the probation period. The appellate
5 courts of this State are hereby given jurisdiction finally to hear and determine
6 all such appeals and writs of error, and such courts may affirm, reverse or
7 modify such orders so that the same shall conform to the provisions of this
8 Act, and so that its purposes and the interests of justice and society shall be best
9 subserved.

Sec. 16. Nothing in this Act contained shall be construed in any way as
2 depriving any person of the right of trial by jury, or as interfering with, or
3 encroaching upon, the prerogative of the Governor to grant reprieves, commu-
4 tations and pardons after conviction for all offenses, or with the right of the
5 Board of Pardons to parole offenders after sentence and conviction, as pro-
6 vided in the Act entitled, "An Act to revise the law in relation to the sentence
7 and commitment of persons convicted of crime and providing for a system of
8 parole and to provide compensation for the officers of such system of parole,"
9 approved April 21, 1899, in force July 1, 1899, and the amendments thereto.

Sec. 17. The invalidity of any portion of this Act shall not affect the
2 validity of any other portion thereof which can be given effect without such
3 invalid part.



- 1 Introduced by Mr. Campbell, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to amend Section 89 of an Act entitled "An Act to extend the jurisdiction of county courts, and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 89 of an Act entitled "An Act to extend the jurisdiction of county courts and to provide for the practice thereof, to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, in force July 1, 1874, as amended by an Act approved May 15, 1879, in force July 1, 1879, be and the same is hereby amended to read as follows:

8 Sec. 89. Rock Island on the first Monday in February, April, June, August,
9 October and December.

Sec. 2. Whereas, an emergency exists; therefore, this Act shall take effect
2 and be in force from and after its passage.



1 Introduced by Mr. Covey, January 17, 1911.

2 Read by title, ordered printed and referred to Committee on Education, when ap-
pointed.

A BILL

For an Act to amend Sections 152 and 164 of an Act entitled "An Act to establish and maintain a system of free schools," approved June 12, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections 152 and 164 of an Act en-
3 titled "An Act to establish and maintain a system of free schools," approved
4 June 12, 1909, in force July 1, 1909, be and the same are hereby amended to read
5 as follows:

6 Sec. 152. In every city in this State having a population exceeding 25,000
7 inhabitants, there shall be elected a board of trustees to have the administration
8 and control of a public school teachers' pension and retirement fund, to be cre-
9 ated and maintained in the manner provided by this Act. Such board of trus-
10 tees shall consist of nine members. The secretary of the board of education of
11 such city shall be exofficio a member of said board of trustees; in addition there-
12 to, there shall be elected annually at the first meeting of the board of education

13 in the month of October of each year two of its members to serve on said board
14 of trustees; and at the first election there shall be elected six members to said
15 board of trustees from the teachers' force employed in said city; two for the
16 term of one year, two for the term of two years and two for the term of three
17 years. On the date of the first meeting of said board of education in the month
18 of October of each year thereafter there shall in like manner be elected two
19 members to said board of trustees, who shall hold their office for a term of three
20 years. The election of the members of said board of trustees by the board of
21 education shall be by a majority vote in such manner as they, the board of edu-
22 cation, shall provide. The election of the members to said board of trustees by
23 the teaching forces of such city shall be by ballot at an election held by the board
24 of education, which shall conform as nearly as may be to the provisions of the
25 law in relation to school elections, and each person being a member of the teach-
26 ing force of such city, and a contributor to said pension and retirement fund
27 shall be entitled to cast at such election, one vote for each trustee to be elected.
28 Elections to fill vacancies may be called by the board of education and held at
29 the annual election: *Provided, however,* that the board of education may fill va-
30 cancies occurring in the membership of said board of trustees elected from said
31 board of education at any regular meeting of the board of education.

32 Sec. 164. Neither the treasurer nor any other officer having the custody of
33 public school funds of any city having a population exceeding 25,000 inhabitants
34 shall be entitled to retain any interest accruing thereon or any part thereof, but
35 such interest shall accrue and inure to the benefit of such school funds respect-
36 ively, become a part thereof and be paid into the city treasury, subject to the
37 purposes of this Act.



- 1 Introduced by Mr. Gilbert, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Courts, when appointed.

A BILL

For an Act to revise the law in relation to the Municipal Court of Chicago.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

DIVISION I.

CONTINUANCE OF EXISTING COURT AND PRACTICE IN PENDING CASES.

SECTION

- 1. Court continued and judges, etc., to hold until successors elected, etc.

SECTION

- 2. Practice in pending actions.

SECTION 1. COURT CONTINUED AND JUDGES, ETC., TO HOLD UNTIL SUCCESSORS ELECTED, ETC.] The municipal court of Chicago as heretofore organized shall be continued and the judges, the clerk and the bailiff thereof shall continue to hold their respective offices during the terms for which they have been respectively elected and until their respective successors shall have been elected and qualified.

Sec. 2. PRACTICE IN PENDING ACTIONS.] All actions and proceedings pending in said court at the time this Act shall become operative shall be conducted, and the records thereof shall be kept until the final determination thereof, including appeals and writs of error to review the orders and judgments therein, in

5 all respects in accordance with the valid provisions of the act entitled "An Act
6 in relation to a municipal court in the city of Chicago," approved May 18, 1905,
7 as amended by the Act entitled "An Act to amend an Act entitled "An Act in
8 relation to a municipal court in the city of Chicago," approved May 18, 1905,
9 approved June 3, 1907, and the force and effect of the orders and judgments of
10 said court in all actions and proceedings so pending shall be such as is prescribed
11 by said last mentioned acts.

DIVISION II.

DISTRICTS, BRANCH COURTS, PLACES AND TIMES OF HOLDING COURT, SEALS AND EXPENSES.

SECTION

3. Number and boundaries of districts.
4. Changes of numbers and boundaries of districts.
5. Branch courts—number—how constituted—jurisdiction.
6. Where business of court to be transacted - presumption - powers of judges when places provided unfit.

SECTION

7. Power of judge of municipal court to enter orders at places other than court room.
8. Court to be always open.
9. Court to have seals, etc.
10. Blanks, books, etc., to be furnished and expenditures on account of court to be paid out of city treasury.

Sec. 3. NUMBER AND BOUNDARIES OF DISTRICTS.] For the purposes of said
2 municipal court the city of Chicago shall be divided into districts which, until
3 otherwise provided, shall be two in number and their territorial limits shall be as
4 follows:

5 Of the first district the territorial limits shall be the territory bounded on the
6 north by the city limits, the east and west half section line of section twenty-seven
7 (27), township thirty-seven (37) north, range fourteen (14) east of the third
8 Principal Meridian, and Ninety-fifth (95th) street, between the center line of
9 Cottage Grove avenue and the east line of the Illinois Central Railroad right-of-
10 way; on the west by the city limits; on the south by the city limits and Seventy-
11 first (71st) street, between the center line of Cottage Grove avenue and Lake
12 Michigan; and on the east by Lake Michigan, the center line of Cottage Grove
13 avenue from Seventy-first (71st) street to Ninety-fifth (95th) street to the east

14 and west half section line of section twenty-seven (27) hereinbefore mentioned,
 15 and by the center line of Cottage Grove avenue as extended south from the east
 16 and west half section line of said section twenty-seven (27) to the city limits,
 17 being all of the city of Chicago not embraced within the limits hereinafter speci-
 18 fied of the second district.

19 Of the second district the territorial limits shall be the territory bounded on
 20 the north by the center line of Seventy first (71st) street; on the west by Cottage
 21 Grove avenue from Seventy-first (71st) street to Ninety-fifth (95th) street to the
 22 east line of the Illinois Central Railroad right-of-way; thence southwest along
 23 said line of said right-of-way to the east and west half section line of section
 24 twenty-seven (27), township thirty-seven (37) north, range fourteen (14) east of
 25 the third Principal Meridian; thence east along said half section line to the cen-
 26 ter line of Cottage Grove avenue as extended south; thence south to the city
 27 limits; on the south by the city limits; on the east by the city limits and Lake
 28 Michigan.

Sec. 4. CHANGES OF NUMBERS AND BOUNDARIES OF DISTRICTS.] The numbers
 2 and boundaries of the districts may be changed, from time to time, by orders
 3 signed by a majority of the judges of said municipal court and spread upon the
 4 records thereof, which orders shall be published for three successive weeks,
 5 once in each week, in some newspaper of general circulation in the city of Chicago
 6 and which shall take effect respectively within thirty (30) days after the last pub-
 7 lication thereof: *Provided, however,* that no such change in the number or boun-
 8 daries of districts shall become effective unless the order therefor shall have been
 9 approved by the city council of the city of Chicago.

Sec. 5. BRANCH COURTS—NUMBER—HOW CONSTITUTED — JURISDICTION.] As
 2 many branch courts shall be held in each district as may be determined by the
 3 chief justice of said municipal court to be necessary for the prompt and proper

4 disposition of the business of said court: *Provided, however,* that at least one
 5 branch court shall be held in each district. Such branch courts may be given
 6 such designation, by numbers or otherwise, as may be determined by the chief
 7 justice. Each of said branch courts shall be presided over by a single judge of
 8 said municipal court and shall exercise the jurisdiction and powers in this act de-
 9 clared to be vested in said municipal court.

Sec. 6. WHERE BUSINESS OF COURT TO BE TRANSACTED—PRESUMPTION—POWERS
 2 OF JUDGES WHEN PLACES PROVIDED UNFIT.] Excepting as may be otherwise pro-
 3 vided in this act, the business of the municipal court shall be transacted at such
 4 places in said city of Chicago as may be provided for that purpose by the corpor-
 5 ate authorities thereof: *Provided, however,* that nothing herein contained shall
 6 require the record of any action or proceeding in such court to show affirmatively
 7 that the orders of the court therein minuted or set forth were made and entered
 8 at a place provided in pursuance of law for the holding of said court, but it
 9 shall be presumed that the court was held and such orders made and entered at a
 10 place provided therefor in pursuance of law, unless the contrary shall affirmative-
 11 ly appear from the record. If no place be provided by the corporate authorities
 12 of said city for the holding of any branch court, or, if the place so provided be-
 13 come unfit, said branch court may, by an order signed by a majority of the judges
 14 of said municipal court and entered upon the records of said court, adjourn to
 15 or convene at a suitable place for holding said branch court procured for that
 16 purpose by said judges within the district in which the same is located and at
 17 such place may hold said branch court until a suitable place therefor be fur-
 18 nished by said corporate authorities.

Sec. 7. POWER OF JUDGE OF MUNICIPAL COURT TO ENTER ORDERS AT PLACES
 2 OTHER THAN COURT ROOM.] Any judge of the municipal court shall have power to
 3 sign or otherwise make any order in any action pending in said court at any place
 4 within the city of Chicago whenever, in the opinion of such judge, the granting

5 of such order at such place will be in furtherance of justice, and any such order,
 6 when so signed or otherwise made, shall be as effective as though made in any
 7 court room of said court: *Provided, however,* that after the defendant shall
 8 have entered his appearance no such order shall be made at any other place than
 9 a court room of such court without reasonable notice to the parties.

Sec. 8. COURT TO BE ALWAYS OPEN.] There shall be no stated terms of the
 2 municipal court, but said court shall be always open for the transaction of busi-
 3 ness.

Sec. 9. COURT TO HAVE SEALS, ETC.] Said court shall have seals for each dis-
 2 trict and may, from time to time, as may be necessary, renew the same. The ex-
 3 pense of said seals and of renewing the same shall be paid by the city of Chi-
 4 cago.

Sec. 10. BLANKS, BOOKS, ETC., TO BE FURNISHED AND EXPENDITURES ON ACCOUNT OF
 2 COURT TO BE PAID OUT OF CITY TREASURY.] All blanks, books, papers, stationery
 3 and furniture necessary to the keeping of the records of the proceedings of said
 4 municipal court and the transaction of the business thereof shall be furnished
 5 the officers of said court at the expense of the city. All other expenditures on
 6 account of said court which may be authorized by the city council, and which are
 7 not specifically mentioned in this Act, shall be paid out of the city treasury.

DIVISION III.

THE JUDGES.

SECTION

11. Chief justice and associate judges.
12. Powers and duties of chief justice.
13. Powers and duties of associate judges.
14. Meetings of chief justice and associate judges — complaints — adoption of rules and regulations.
15. Salaries of judges.

SECTION

16. Election of judges—vacancies.
17. Voter to vote for full number.
18. Who eligible for election as judges.
19. Oath of judges.
20. Interchange of judges.

Sec. 11. CHIEF JUSTICE AND ASSOCIATE JUDGES.] Said municipal court shall
 2 consist of twenty-eight (28) judges, one of whom shall be chief justice and the
 3 remaining twenty-seven (27) of whom shall be associate judges.

Sec. 12. POWERS AND DUTIES OF CHIEF JUSTICE.] The chief justice, in ad-
 2 dition to the exercise of all the other powers of a judge of said court, shall have
 3 the general superintendence of the business thereof. He shall preside at all
 4 meetings of the judges and he shall assign the associate judges to duty in the
 5 branch courts, from time to time, as he may deem necessary for the prompt dis-
 6 position of the business thereof. He shall also superintend the preparation of
 7 the calendars of cases for trial in said court and shall make such classification
 8 and distribution of the same upon different calendars as he shall deem proper
 9 and expedient. He shall give his attention faithfully to the discharge of the
 10 duties especially pertaining to his office and to the performance of such addition-
 11 al judicial work as he may be able to perform.

Sec. 13. POWERS AND DUTIES OF ASSOCIATE JUDGES.] It shall be the duty of
 2 each associate judge to attend and serve at any branch court to which he may
 3 be so assigned and he must perform his share of the labors and duties apper-
 4 taining to the office. At least one associate judge must be in attendance in one
 5 branch court in each district three hours of each day except Sunday, a public
 6 holiday or a day upon which the inhabitants of the city of Chicago generally re-
 7 frain from business, and each associate judge, while in the court room or in
 8 chambers and not actually engaged in the performance of other official duties,
 9 must act upon any application for his official action properly made to him. Each
 10 associate judge shall be entitled to vacations which shall not exceed thirty-six
 11 days in all in any one year and which shall be taken at such times as may be
 12 determined by the chief justice.

Sec. 14. MEETINGS OF CHIEF JUSTICE AND ASSOCIATE JUDGES—COMPLAINTS—
 2 ADOPTION OF RULES AND REGULATIONS.] It shall be the duty of the chief justice and

3 the associate judges to meet together at least once in each month, excepting the
 4 month of August in each year, at such hour and place as may be designated by
 5 the chief justice and at such other times as may be required by the chief justice,
 6 for the consideration of such matters pertaining to the administration of justice
 7 in said court as may be brought before them. At such meetings they shall re-
 8 ceive and investigate, or cause to be investigated, all complaints presented to
 9 them pertaining to said court and to the judges and officers thereof and shall take
 10 such steps as they may deem necessary or proper with respect thereto and they
 11 shall have power and it shall be their duty to adopt or cause to be adopted all
 12 such rules and regulations for the proper administration of justice in said
 13 court as to them may seem expedient, and they shall have power to remedy all
 14 abuses which may be found by them to exist in the conduct of the business of
 15 said court, including the business of the offices of the clerk and bailiff.

Sec. 15. SALARIES OF JUDGES.] The salaries of the chief justice and associate
 2 judges elected prior to the time when this Act shall become operative shall be
 3 such as may be provided for by law at the respective times of the election of said
 4 judges. The salary of each judge of said court elected after this Act shall be-
 5 come operative shall be eight thousand dollars (\$8,000) for the year commenc-
 6 ing on the first Monday of December, A. D. 1912, nine thousand dollars (\$9,000)
 7 for the year commencing on the first Monday of December, A. D. 1913, and for
 8 each year thereafter a salary equal to the salary and compensation from time
 9 to time fixed by law for a judge of the circuit court of Cook county.

Sec. 16. ELECTION OF JUDGES—VACANCIES.] Elections for judges of said mu-
 2 nicipal court shall be held as follows:

3 On the third Tuesday of April, A. D. 1912, and on the third Tuesday of
 4 April every six years thereafter there shall be elected a chief justice and nine
 5 associate judges of said court as the successors in office of the chief justice and
 6 nine associate judges of said court elected for the term of six years on the first

7 Tuesday after the first Monday of November, A. D. 1906.

8 On the third Tuesday of April, A. D. 1914, and on the third Tuesday of
9 April every six years thereafter there shall be elected nine associate
10 judges of said court as the successors in office of the nine associate judges of said
11 court elected for the term of six years on the first Tuesday after the first Mon-
12 day of November, A. D. 1908.

13 On the third Tuesday of April, A. D. 1916, and on the third Tuesday of April
14 every six years thereafter there shall be elected nine associate judges of said
15 court as the successors in office of the nine associate judges of said court elected
16 on the first Tuesday after the first Monday of November, A. D. 1910.

17 The judges so required to be elected on or before the third Tuesday of
18 April, A. D. 1916, shall enter upon the discharge of their duties on the first
19 Monday of December following their election and the judges elected after said
20 date shall enter upon the discharge of their duties on the first Monday of July
21 after their election. Vacancies in the office of chief justice or associate judge of
22 said court shall be filled by election at the regular municipal, judicial or other
23 general election which shall occur next after a period of sixty days from the
24 time such vacancies respectively occur, but where the unexpired term does not
25 exceed one year the vacancy shall be filled by appointment by the Governor,
26 and, in case of the happening of two or more vacancies between the dates of
27 regular elections more than ninety days prior to the date when such vacancies
28 may be filled by election, the same may be filled by appointment by the Governor
29 until such election shall be held and said vacancy filled. Whenever a vacancy
30 occurs in the office of chief justice, or whenever the chief justice shall be absent
31 from the city of Chicago or incapacitated from acting, the associate judges shall
32 select one of their number to act as chief justice until such vacancy shall be filled
33 by election or appointment as above provided for or until the return of the chief
34 justice or until his incapacity ceases.

Sec. 17. VOTER TO VOTE FOR FULL NUMBER.] At every election for associate
2 judges of the municipal court each voter shall vote for as many candidates for
3 associate judge as there are associate judges to be elected at such election and
4 upon his failing so to do his vote shall not be counted for any candidate for such
5 office.

Sec. 18. WHO ELIGIBLE FOR ELECTION AS JUDGES.] No person shall be eligible
2 to the office of chief justice or of associate judge of the municipal court unless
3 he shall be at least thirty-five years of age and a citizen of the United States, nor
4 unless he shall have resided in the county of Cook and been there engaged
5 either in active practice as an attorney and counsellor at law, or in the discharge
6 of the duties of a judicial office, or of the office of master in chancery, for at least
7 ten years, or in one of such occupations during a portion of such time and in the
8 other, or others, the remaining portion thereof, and shall, at the time of his elec-
9 tion, be a resident of the city of Chicago.

Sec. 19. OATH OF JUDGES.] Every chief justice and associate judge of said
2 municipal court, before he enters upon the duties of his office, shall take and sub-
3 scribe the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be), that I will support the
5 Constitution of the United States and the Constitution of the State of Illinois,
6 and that I will faithfully discharge the duties of the office of chief justice (or
7 associate judge) of the municipal court of Chicago according to the best of my
8 ability.

9 Said oath shall be filed in the office of the Secretary of State.

Sec. 20. INTERCHANGE OF JUDGES.] The judges of said municipal court may
2 interchange with judges of the circuit court, judges of other city courts, and with
3 county judges, and said respective judges may hold court for each other and per-
4 form each other's duties when they find it necessary or convenient.

DIVISION IV.

THE CLERK, THE BAILIFF AND THEIR DEPUTIES.

SECTION

21. Clerk—time of election—term of office—commission.
22. Duties of clerk—office hours—offices to be maintained.
23. Bond of clerk.
24. Oath of office of clerk.
25. Clerk's offices to have telephones—clerk to furnish information.
26. Clerk to furnish printed blanks free.
27. Vacancies.
28. Salary of clerk—expenses.
29. Deputy clerks—number—appointment—competitive examinations.
30. Salaries of deputy clerks—how fixed.
31. Bond of deputy clerk.
32. Oath of office of deputy clerk.
33. Removal of deputy clerks—restoration—reduction of number.
34. Bailiff—time of election—term of office commission.
35. Duties of bailiff—office hours to be maintained.
36. Bond of bailiff.
37. Oath of office of bailiff.
38. Vacancies in office of bailiff.

SECTION

39. Salary of bailiff—attorney—expenses.
40. Deputy bailiffs—number—appointment—competitive examination.
41. Salaries of deputy bailiffs—how fixed.
42. Bond of deputy bailiff.
43. Oath of office of deputy bailiff.
44. Removal of deputy bailiffs—restoration—reduction of number.
45. Bailiff and deputies ex-officio police officers and police officers ex-officio deputy bailiffs.
46. Acceptance of gratuities prohibited.
47. Superintendence of clerk's and bailiff's offices.
48. Deputy clerk or deputy bailiff may be assigned to duty by chief justice.
49. Expense of official bonds.
50. When clerk and bailiff not to be responsible for acts or defaults of deputies.
51. Liability of bailiff or deputy bailiff for levy under attachment or execution.
52. Deputy clerks and deputy bailiffs to be selected by competitive examinations.
53. Deputy clerks and deputy bailiffs in office to be retained.

Sec. 21. CLERK—TIME OF ELECTION—TERM OF OFFICE—COMMISSION.] There shall be a clerk of said municipal court whose term of office shall be six years and until his successor shall be elected and qualified, and he shall be elected on the first Tuesday after the first Monday of November, A. D. 1912. and every six years thereafter, as the successor in office of the clerk of said court elected on the first Tuesday after the first Monday of November, A. D. 1906. He shall be commissioned by the Governor.

Sec. 22. DUTIES OF CLERK—OFFICE HOURS—OFFICES TO BE MAINTAINED.] The clerk of said court shall be the keeper of the seal thereof. He shall issue the

3 process of said court in the manner provided by law, attend the sessions there-
4 of, preserve all the files and papers and make, keep and preserve such records
5 of the proceedings and determinations thereof as may be provided for by this Act,
6 or as may be otherwise provided by law, and shall do and perform all other
7 duties pertaining to his office which may be prescribed by law or by the rules
8 of said court not inconsistent with law. He shall attend in person to the duties
9 of his office, when it shall be practicable so to do, and shall perform all the
10 duties of his office which can reasonably be performed by one person. He shall
11 maintain an office in each district and each office shall be kept open for the
12 transaction of business from eight thirty o'clock a. m. to five-thirty o'clock p. m.
13 of each working day during the year, and he shall afford sufficient facilities for
14 the transaction of the business of his office at such other hours as may be re-
15 quired by the chief justice: *Provided, however*, that on Saturdays, after the
16 hour of one o'clock p. m., only such number of deputy clerks need be in attend-
17 ance at the clerk's offices as may be necessary to receive and file papers, approve
18 bonds and issue summonses, citations and writs.

Sec. 23. BOND OF CLERK.] The clerk, before entering upon the duties of
2 his office, shall give bond with one or more sureties to be approved by the
3 chief justice, which bond shall be in such penalty, not less than fifty thousand
4 dollars (\$50,000) nor more than two hundred thousand dollars (\$200,000), as
5 may be determined by the chief justice, payable to the People of the State of
6 Illinois, and conditioned for the faithful performance of the duties of his office.
7 A bond so conditioned shall be construed as if conditioned that such clerk
8 should pay over all moneys that might come to his hands by virtue of his office
9 to the parties entitled thereto and deliver up all moneys, papers, books, records
10 and other things appertaining to his office, whole, safe and undefaced when
11 lawfully required so to do, and that he should faithfully perform every duty
12 and respond to every liability imposed upon him by virtue of his office. Such
13 bond shall be filed in the office of the Secretary of State.

Sec. 24. OATH OF OFFICE OF CLERK.] The clerk shall also, before entering
2 upon the duties of his office, take and subscribe and file in the office of the
3 Secretary of State the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support the
5 Constitution of the United States and the Constitution of the State of Illinois,
6 and that I will faithfully discharge the duties of the office of clerk of the muni
7 cipal court of Chicago according to the best of my ability.

Sec. 25. CLERK'S OFFICE TO HAVE TELEPHONES—CLERK TO FURNISH INFORMA-
2 TION.] The offices of the clerk shall be furnished with such number of tele-
3 phones as may be necessary for the use of attorneys and parties to actions
4 in the transaction of the business of the court. Any attorney at law or any
5 party to an action in such court may apply, either in person or by telephone,
6 or otherwise, for any information respecting the proceedings in such action, or
7 the papers filed therein, which such attorney or party may deem necessary,
8 and such clerk shall furnish such information without charge being made
9 therefor: *Provided, however,* that nothing herein contained shall be construed
10 to require the clerk to furnish copies of documents without payment therefor
11 at the rate fixed therefor by this Act, and that the clerk shall not be person-
12 ally responsible for any mistake made by any deputy clerk with respect to
13 such information.

Sec. 26. CLERK TO FURNISH PRINTED BLANKS FREE.] The clerk shall keep
2 on hand and furnish on application and free of charge to every attorney at
3 law entitled to practice in such court, printed blank forms of praecipes, state-
4 ments of claims, entries of appearance and specifications of defenses, affidavits
5 of claim, of merits, for replevin and for attachment, bonds, summonses, at-
6 tachment writs, replevin writs, executions, petitions for changes of venue, mo-
7 tions and all other necessary papers for use in the prosecution and defense
8 of actions in said court.

Sec. 27. VACANCIES.] When a vacancy occurs in the office of clerk and the

2 unexpired term exceeds one year, the judges shall appoint a clerk *pro tempore*,
 3 who shall qualify by giving bond and taking the oath as required by law of
 4 the clerk, and thereupon such appointee shall perform all the duties required
 5 of a duly elected clerk of said court and shall receive a like salary, and shall
 6 hold such office until some person is elected and qualified according to law to
 7 fill such vacancy. Whenever any such vacancy occurs the chief justice shall
 8 forthwith notify the Governor thereof, who, upon receiving such notice, shall
 9 as soon thereafter as may be practicable, issue a writ of election as in other
 10 cases. When a vacancy occurs in the office of clerk and the unexpired term is
 11 less than one year, the judges shall appoint a clerk *pro tempore*, who shall
 12 qualify by giving bond and taking the oath of office as required by law of
 13 the clerk, and thereupon such appointee shall perform all the duties required
 14 of a duly elected clerk of said court and shall receive a like salary, and shall
 15 hold office until some person is elected and qualified according to law to fill
 16 such vacancy.

Sec. 28. SALARY OF CLERK—EXPENSES.] The salary of the clerk until the

2 first Monday of December, A. D. 1912, shall be five thousand dollars (\$5,000)
 3 per annum, and thereafter it shall be eight thousand dollars (\$8,000) per
 4 annum. Such salary shall be payable in monthly installments out of the city
 5 treasury. All expenses incurred by the clerk for legal services rendered to him
 6 in matters relating to his official duties, and all expenses incident to proceedings
 7 in court brought by or against him in his official capacity, shall be paid out of
 8 the city treasury.

Sec. 29. DEPUTY CLERKS—NUMBER — APPOINTMENT — COMPETITIVE EXAMINA-

2 TIONS.] The clerk shall appoint such number of deputies as may be deter-
 3 mined, from time to time, by a majority of the judges of the municipal court
 4 by orders signed by them and spread upon the records of said court. Said

5 deputy clerks, excepting three to be selected by the chief justice and three to be
 6 selected by the clerk, shall be selected by competitive examinations as herein-
 7 after provided.

Sec. 30. SALARIES OF DEPUTY CLERKS—HOW FIXED.] The salaries of deputy
 2 clerks shall be fixed, from time to time, by orders signed by a majority of the
 3 judges of said municipal court and spread upon the records of said court, and
 4 shall be payable out of the city treasury in monthly installments: *Provided,*
 5 *however,* that the salary of the chief deputy clerk shall be four thousand dollars
 6 (\$4,000) per annum, and that the salaries of no more than five additional clerks
 7 shall exceed two thousand dollars (\$2,000) per annum.

Sec. 31. BOND OF DEPUTY CLERK.] Every deputy clerk, before entering
 2 upon the duties of his office, shall give a bond with one or more sureties to
 3 be approved by the chief justice, which bond shall be in such penalty not less
 4 than one thousand dollars (\$1,000), as may be determined by the chief justice,
 5 payable to the People of the State of Illinois, and conditioned for the faithful
 6 performance of the duties of his office.

Sec. 32. OATH OF OFFICE OF DEPUTY CLERK.] Every deputy clerk shall also,
 2 before entering upon the duties of his office, take and subscribe and file in the
 3 office of the clerk the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support
 5 the Constitution of the United States and the Constitution of the State of Illi-
 6 nois, and that I will faithfully discharge the duties of the office of deputy clerk
 7 of the municipal court of Chicago according to the best of my ability.

Sec. 33. REMOVAL OF DEPUTY CLERKS—RESTORATION—REDUCTION OF NUMBER.]
 2 Any deputy clerk shall be subject to removal at any time by an order signed
 3 by a majority of the judges of the municipal court and spread upon the records
 4 of said court. Any deputy clerk, other than one selected by competitive exam

ination as hereinafter provided, or one selected by the chief justice, may likewise be removed by the clerk: *Provided, however,* that any deputy clerk so removed may be restored to his position as such deputy clerk by an order signed by a majority of the judges of said court and spread upon the records thereof. The number of deputy clerks may be reduced at any time by an order signed by a majority of the judges of said court and spread upon the records thereof.

Sec. 34. BAILIFF—TIME OF ELECTION—TERM OF OFFICE—COMMISSION.] There shall be a bailiff of said municipal court, whose term of office shall be six years and until his successor shall be elected and qualified, and he shall be elected on the first Tuesday after the first Monday of November, A. D. 1912, as the successor in office of the bailiff of said court elected on the first Tuesday after the first Monday of November, A. D. 1906. He shall be commissioned by the Governor.

Sec. 35. DUTIES OF BAILIFF—OFFICE HOURS TO BE MAINTAINED.] The bailiff of said court shall perform, with respect to said court, the duties usually performed by sheriffs in respect to attendance upon and service and execution of the process and obedience of the lawful orders and directions of the circuit courts, and he shall do and perform all other duties pertaining to his office which may be prescribed by law, or by the rules of said court not inconsistent with law. He shall attend in person to the duties of his office when it shall be practicable so to do, and shall perform all the duties of his office which can reasonably be performed by one person. He shall maintain an office in each district and each office shall be kept open for the transaction of business from eight-thirty o'clock a. m. to five-thirty o'clock p. m. of each working day during the year, and he shall afford sufficient facilities for the transaction of the business of his office at such other hours as may be required by the chief justice: *Provided, however,* that on Saturdays after the hour of one o'clock p. m., only

15 such number of deputy bailiffs need be in attendance at the bailiff's offices as
16 may be needed for the receipt and service of writs, the service of which cannot
17 be delayed without injury or inconvenience to the parties on whose behalf they
18 are to be served.

Sec. 36. BOND OF BAILIFF.] The bailiff, before entering upon the duties of
2 his office, shall give a bond with one or more sureties to be approved by the
3 chief justice, which bond shall be in such penalty not less than twenty-five thou-
4 sand dollars (\$25,000) nor more than one hundred thousand dollars (\$100,000),
5 as may be determined by the chief justice, payable to the People of the State
6 of Illinois, conditioned for the faithful performance of the duties of his office.
7 A bond so conditioned shall be construed as if conditioned that such bailiff
8 should pay over all moneys that might come to his hands by virtue of his office
9 to the parties entitled thereto, and deliver up all moneys, papers, books, rec-
10 ords and other things appertaining to his office, whole, safe and undefaced
11 when lawfully required so to do, and that he will faithfully perform every
12 duty and respond to every liability imposed upon him by virtue of his office.
13 Such bond shall be entered upon the records of said municipal court and filed
14 in the office of the clerk thereof.

Sec. 37. OATH OF OFFICE OF BAILIFF.] The bailiff shall also, before enter-
2 ing upon the duties of his office, take and subscribe and file in the office of the
3 clerk of said court the following oath or affirmation:

4 I do solemnly swear (or affirm, as the case may be,) that I will support the
5 Constitution of the United States and the Constitution of the State of Illinois,
6 and that I will faithfully discharge the duties of the office of bailiff of the mu-
7 nicipal court of Chicago according to the best of my ability.

Sec. 38. VACANCIES IN OFFICE OF BAILIFF.] When a vacancy occurs in the
2 office of bailiff, and the unexpired term exceeds one year, the judges shall ap-

3 point a bailiff *pro tempore*, who shall qualify by giving bond and taking the
 4 oath as required by law of the bailiff, and thereupon such appointee shall per-
 5 form all the duties required of a duly elected bailiff of said court and shall
 6 receive a like salary, and shall hold such office until some person is elected and
 7 qualified according to law to fill such vacancy. Whenever such vacancy oc-
 8 curs the chief justice shall forthwith notify the Governor thereof who, upon
 9 receiving such notice, shall, as soon thereafter as may be practicable, issue a
 10 writ of election as in other cases. When a vacancy occurs in the office of
 11 bailiff and the unexpired term is less than one year, the judges shall appoint
 12 a bailiff *pro tempore*, who shall qualify by giving bond and taking the oath re-
 13 quired by law of the bailiff, and thereupon such appointee shall perform all
 14 the duties required of a duly elected bailiff of such court and shall receive a
 15 like salary and shall hold such office until some person is elected and qualified
 16 according to law to fill such vacancy.

Sec. 39. [SALARY OF BAILIFF—ATTORNEY—EXPENSES.] The salary of the
 2 bailiff, until the first Monday of December, A. D. 1912, shall be five thousand
 3 dollars (\$5,000) per annum, and thereafter it shall be eight thousand dollars
 4 (\$8,000) per annum. Such salary shall be payable in monthly installments out
 5 of the city treasury. The bailiff may, when so authorized by an order signed
 6 by a majority of the judges, employ an attorney at a salary to be fixed by the
 7 judges, not to exceed three thousand dollars (\$3,000) per annum, which salary,
 8 together with all expenses incurred by the bailiff in prosecuting or defending
 9 suits by or against him in his official capacity, shall be paid out of the city
 10 treasury.

Sec. 40. DEPUTY BAILIFFS—NUMBER — APPOINTMENT—COMPETITIVE EXAMINA-
 2 TIONS.] The bailiff shall appoint such number of deputies as may be deter-
 3 mined, from time to time, by a majority of the judges of the municipal court
 4 by orders signed by them and spread upon the records of said court. Said

5 deputy bailiffs, excepting three to be selected by the chief justice and two to be
 6 selected by the bailiff, shall be selected by competitive examinations as herein-
 7 after provided.

Sec. 41. SALARIES OF DEPUTY BAILIFFS—HOW FIXED.] The salaries of dep-
 2 uty bailiffs shall be fixed, from time to time, by orders signed by a majority of
 3 the judges of said municipal court and spread upon the records of said court,
 4 and shall be payable out of the city treasury in monthly installments: *Pro-*
 5 *vided, however,* that the salary of the chief deputy bailiff shall be four thou-
 6 sand dollars (\$4,000) per annum; that the salary of the assistant chief deputy
 7 bailiff shall be two thousand five hundred dollars (\$2,500) per annum, and that
 8 the salary of no more than two other deputy bailiffs shall exceed two thousand
 9 dollars (\$2,000) per annum.

Sec. 42. BOND OF DEPUTY BAILIFF.] Every deputy bailiff appointed as afore-
 2 said, before entering upon the duties of his office, shall give a bond with one
 3 or more sureties to be approved by the chief justice, which bond shall be in
 4 such penalty, not less than one thousand dollars (\$1,000), as may be deter-
 5 mined by the chief justice, payable to the People of the State of Illinois and con-
 6 ditioned for the faithful performance of the duties of his office.

Sec. 43. OATH OF OFFICE OF DEPUTY BAILIFF.] Every deputy bailiff so ap-
 2 pointed shall also, before entering upon the duties of his office, take and sub-
 3 scribe and file in the office of the clerk the following oath or affirmation:
 4 I do solemnly swear (or affirm, as the case may be,) that I will support the
 5 Constitution of the United States and the Constitution of the State of Illinois.
 6 and that I will faithfully discharge the duties of the office of deputy bailiff of
 7 the municipal court of Chicago according to the best of my ability.

Sec. 44. REMOVAL OF DEPUTY BAILIFFS — RESTORATION — REDUCTION OF NUM-
 2 BER.] Any deputy bailiff so appointed shall be subject to removal at any time by

3 an order signed by a majority of the judges of the municipal court and spread
 4 upon the records of said court. Any deputy bailiff, other than one selected by
 5 competitive examination as hereinafter provided, or one selected by the chief jus-
 6 tice, may likewise be removed by the bailiff: *Provided, however*, that any deputy
 7 bailiff so removed may be restored to his position as such deputy bailiff by an
 8 order signed by a majority of the judges and spread upon the records of the court.
 9 The number of deputy bailiffs may be reduced at any time by an order signed
 10 by a majority of the judges of said court and spread upon the records thereof.

Sec. 45. BAILIFF AND DEPUTIES EX-OFFICIO POLICE OFFICERS AND POLICE OFFI-
 2 CERS EX-OFFICIO DEPUTY BAILIFFS.] The bailiff and deputy bailiffs of the munici-
 3 pal court shall be *ex-officio* police officers of the city of Chicago. Every police
 4 officer of the city of Chicago shall be *ex-officio* a deputy bailiff of the munici-
 5 pal court, and shall perform, from time to time, such duties in respect to cases
 6 within the jurisdiction of said court as may be required of him by said court or
 7 any judge thereof.

Sec. 46. ACCEPTANCE OF GRATUITIES PROHIBITED.] Neither the clerk nor the
 2 bailiff, nor any deputy clerk or deputy bailiff, of said municipal court, shall
 3 receive, aside from the salary and the costs by this Act required to be paid to
 4 him in his official capacity, any money, property or other valuable thing, as
 5 a gratuity or otherwise, for the performance of any duty imposed upon him
 6 by virtue of his office, or for the performance of any work of any kind or char-
 7 acter in any manner connected therewith. It shall be the duty of the judges
 8 of said municipal court to remove from office any deputy clerk or deputy
 9 bailiff who shall violate either of the provisions of this section. No clerk or
 10 bailiff, or deputy clerk or deputy bailiff, of the municipal court shall be appointed
 11 receiver or guardian *ad litem* in any suit therein pending.

Sec. 47. SUPERINTENDENCE OF CLERK'S AND BAILIFF'S OFFICES.] The chief
 2 justice of the municipal court shall have the general superintendence of the
 3 business and management of the offices of the clerk and bailiff of said court,
 4 subject to such rules and regulations as may be adopted by a majority of the
 5 judges. It shall be the duty of the clerk and the bailiff to comply with all
 6 rules and regulations pertaining to the management of the business of their
 7 respective offices which may be adopted by a majority of the judges, and for
 8 any failure so to do such clerk or bailiff may be punished as for a criminal
 9 contempt of court.

Sec. 48. DEPUTY CLERK OR DEPUTY BAILIFF MAY BE ASSIGNED TO DUTY BY
 2 CHIEF JUSTICE.] Any deputy clerk or deputy bailiff of said court may be
 3 assigned by the chief justice of said court to the performance of such duties
 4 in respect to the business thereof as said chief justice may deem necessary or
 5 proper.

Sec. 49. EXPENSE OF OFFICIAL BONDS.] The expense of obtaining sureties
 2 on official bonds for the clerk, the bailiff, the deputy clerks and the deputy
 3 bailiffs, when such expense is, in the opinion of a majority of the judges of
 4 said municipal court, reasonable, shall be paid out of the city treasury upon the
 5 order of the chief justice.

Sec. 50. WHEN CLERK AND BAILIFF NOT TO BE RESPONSIBLE FOR ACTS OR DE-
 2 FAULTS OF DEPUTIES.] Neither the clerk nor the bailiff shall be responsible or
 3 liable for damages to any person or corporation on account of any act or
 4 default either of any deputy clerk or deputy bailiff who shall have received his
 5 appointment as such deputy clerk or deputy bailiff by selection by the chief jus-
 6 tice or by means of competitive examination as hereinafter provided, or of any
 7 ex-officio deputy bailiff, unless it shall appear that the exercise of due care
 8 and diligence by the clerk or bailiff personally would have prevented such act
 9 or default.

Sec. 51. LIABILITY OF BAILIFF OR DEPUTY BAILIFF FOR LEVY UNDER ATTACH-
 2 MENT OR EXECUTION.] Neither the bailiff nor any deputy bailiff shall be liable
 3 to any person or persons on account of a levy upon property, whether real or
 4 personal, under any writ of attachment, nor on account of any such levy under
 5 any execution, when, at the time of such levy, the property so levied upon
 6 under such execution, is in the possession or control of any defendant in such
 7 execution; and when, prior to the making of any levy of such execution upon
 8 any property, the bailiff or deputy bailiff shall cause to be taken from the plain-
 9 tiff in the execution an indemnifying bond, the bailiff or such deputy bailiff
 10 shall not be liable to any person on account of such levy of such execution,
 11 but any person aggrieved by such levy may bring an action against the plaintiff
 12 in the execution, or an action upon said bond, or may bring an action for the re-
 13 covery of the property levied upon: *Provided, however,* that nothing herein
 14 contained shall be construed to relieve any bailiff or deputy bailiff from liability
 15 on account of oppression or other misconduct in the levying of any attachment or
 16 execution.

Sec. 52. DEPUTY CLERKS AND DEPUTY BAILIFFS TO BE SELECTED BY COMPETITIVE
 2 EXAMINATIONS.] Vacancies arising in the offices of deputy clerks and deputy
 3 bailiffs of said court shall, with the exception of deputy clerks and deputy bailiffs
 4 selected, as hereinbefore provided, by the chief justice, the clerk and the bailiff,
 5 be filled by means of examinations, which shall be public, competitive, and free
 6 to all citizens of the United States, both male and female, with specified limita-
 7 tions as to residence, age, health, habits and moral character and shall relate to
 8 those matters which will fairly test the relative capacity of the persons exam-
 9 ined to discharge the duties of the offices to which they seek to be appointed.
 10 Such examinations shall be held under the supervision of the civil service com-
 11 missioners of the city of Chicago, and the method of filling vacancies shall be
 12 such as may be prescribed by the rules adopted, from time to time, by said civil

13 service commissioners in accordance with the laws in force, from time to time,
 14 regulating the civil service of the city of Chicago.

Sec. 53. DEPUTY CLERKS AND DEPUTY BAILIFFS IN OFFICE TO BE RETAINED.] All
 2 deputy clerks and deputy bailiffs in office at the time this Act shall become op-
 3 erative, shall continue to hold their respective offices, without the necessity of
 4 being examined as provided in the preceding section, until their respective offices
 5 shall become vacant by death, resignation or removal in accordance with the
 6 provisions of this Act, the intention hereof being that all such deputy clerks and
 7 deputy bailiffs who are persons of good moral character and thoroughly quali-
 8 fied to discharge the duties of their respective offices shall be permitted to hold
 9 their respective offices during such time as they shall respectively satisfactorily
 10 and properly discharge and perform the duties thereof. All deputy clerks and
 11 deputy bailiffs who shall have received their appointments by means of com-
 12 petitive examinations as provided in the preceding section shall, unless removed
 12 from office in the manner provided by this Act, continue to hold their said offices
 14 after the expiration of the terms respectively of the clerks or bailiffs by whom
 15 they shall have been appointed.

DIVISION V.

STENOGRAPHIC AND TYPEWRITING DEPARTMENT.

SECTION

- 54. Power and duty of judges to establish stenographic and typewriting department.
- 55. Stenographers and typewriters—how selected—removal—certificate of appointment—bond—oath.
- 56. Salaries fixed by judges—temporary employment — expenses — business manager.
- 57. Duties of stenographers and typewriters.
- 58. No perquisites aside from salary—no discrimination.

SECTION

- 59. May take depositions.
- 60. Fees.
- 61. Judges to prescribe rules.
- 62. Suitable rooms, typewriting machines, etc., to be provided.
- 63. Receipts to be paid to clerk—disposition of surplus—making up deficit.
- 64. Intention of act—power of judges.
- 65. Inspection and audit of accounts.

Sec. 54. POWER AND DUTY OF JUDGES TO ESTABLISH STENOGRAPHIC AND TYPE-WRITING DEPARTMENT.] The judges of said court shall have power and it shall be their duty to organize and establish a stenographic and type-writing department for said court for the performance of such work pertaining to stenographic reporting and type-writing as such judges may deem necessary for the prompt and proper administration of justice in said court.

Sec. 55. STENOGRAPHERS AND TYPE-WRITERS—HOW SELECTED—REMOVAL—CERTIFICATE OF APPOINTMENT—BOND—OATH.] The stenographers and type-writers for such department shall be selected in such manner as, in the opinion of said judges, will promote efficiency in the performance of such stenographic and type-writing work, and no such stenographer or type-writer shall be so selected without having first furnished to the judges making the selection satisfactory evidence of good moral character and of his or her competency to satisfactorily perform the work for which he or she may be so employed. No stenographer or type-writer shall be so selected for political reasons or for any other consideration than his or her character and competency as aforesaid. As soon as may be practicable after this Act shall become operative the judges of said court shall establish rules for the selection of such stenographers and type-writers by means of competitive examinations: *Provided, however, that* such number of stenographers and type-writers as said respective judges may determine, not exceeding eight, may be selected in the discretion of said respective judges and without such competitive examinations. Such competitive examinations shall be held under the supervision of the civil service commissioners of the city of Chicago, and in case of failure of the judges of the municipal court to prescribe rules for the selection of such stenographers and type-writers, such rules shall be prescribed by said civil service commissioners and said civil service commissioners shall also prescribe the method of filling vacancies in such positions. All stenographers and type-writers employed shall be subject to removal

at the pleasure of a majority of the judges of said court. Every stenographer so selected shall receive from the clerk of said court a certificate of his or her appointment, the form of which shall be prescribed by the judges of said court and he or she shall have power to administer oaths and to take and certify depositions. Before entering upon the discharge of his or her duties he or she shall file with the clerk of said court a bond in the penal sum of one thousand dollars (\$1,000), payable to the People of the State of Illinois, with security to be approved by one of the judges of said court, conditioned for the faithful performance of his or her duties as court stenographer and shall take, subscribe and file with said clerk the following oath or affirmation:

I (here insert name) do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States and the Constitution of the State of Illinois, and that I will faithfully discharge the duties of court stenographer of the municipal court of Chicago to the best of my ability.

Sec. 56. SALARIES FIXED BY JUDGES—TEMPORARY EMPLOYMENT — EXPENSES—
 BUSINESS MANAGER.] Such stenographers and type-writers shall receive, as compensation for their services, salaries which shall be fixed and determined by said judges, according to the character of the work performed by such stenographers and type-writers, at such sums as said judges may deem necessary to secure the prompt and proper performance of such stenographic and typewriting work and as may be proportioned to the skill, ability and capacity for work of the persons employed, each person employed to be paid according to his own individual capacity, as near as may be: *Provided, however,* that no greater number of stenographers and type-writers shall be permanently so employed than may, in the opinion of said judges, be needed for the transaction of the ordinary business of the court and that said judges may provide, from time to time, for the temporary employment of additional stenographers and type-writers and fix their compensation, whenever an unusual amount of busi-

15 ness to be transacted or work to be done may, in the opinion of said judges,
 16 render such course necessary or expedient. In addition to the salaries and com-
 17 pensation in this section provided for, the judges may allow to such stenogra-
 18 phers and type-writers their necessary expenses, the same to be ascertained
 19 and fixed in such manner as the judges may prescribe, and, in cases of emerg-
 20 ency requiring unusual hours of labor by such stenographers and type-writers,
 21 may allow them such additional compensation therefor as said judges may
 22 deem reasonable and just. Whenever, in the opinion of a majority of the
 23 judges, the business of the stenographic and type-writing department is suffi-
 24 cient to justify it, a business manager may be appointed for such stenographic
 25 and type-writing department, who shall have such powers, perform such duties
 26 and receive such compensation as may be prescribed by a majority of said
 27 judges, and said judges may, in their discretion, compensate such business
 28 manager in part by a percentage of the receipts of such stenographic and
 29 type-writing department or of such receipts over and above the expenses there-
 30 of, or may adopt such other method of compensation as, in their judgment,
 31 may be best calculated to promote efficiency and economy in the management
 32 of the business of such department.

Sec. 57. DUTIES OF STENOGRAPHERS AND TYPE-WRITERS.] The duties of ste-
 2 nographers and type-writers so employed shall consist in taking down steno-
 3 graphically such proceedings of the respective courts, such depositions and
 4 such proceedings before the masters in chancery thereof, as the judges or the
 5 parties to actions, or their attorneys, may require to be taken down steno-
 6 graphically, and in making such transcripts from their stenographic notes as
 7 may be required by the judges, or by parties to actions or their attorneys,
 8 also in making type-written copies of papers and records in the office of the
 9 clerk and bailiff whenever such type-written copies may be needed, and in the
 10 performance of all such other stenographic and type-writing work in matters

11 connected with the administration of justice in said court, including work in the
 12 offices of the prosecuting and State's attorneys, as they may be required to per-
 13 form by or under the direction of said judges, and the hours of labor of such
 14 stenographers and type-writers shall be so fixed and determined by the judges
 15 as to secure the prompt performance of the work of such stenographic and
 16 type-writing department and first-class service to parties to actions and to their
 17 attorneys.

Sec. 58. NO PERQUISITES ASIDE FROM SALARY—NO DISCRIMINATION.] No ste-
 2 nographer or type-writer so employed shall receive, aside from the salary or
 3 compensation authorized to be paid to him by this Act, any money, property,
 4 or other valuable thing, as a gratuity or otherwise, for the performance of any
 5 duty imposed upon him by virtue of his employment or for the performance of
 6 any work of any kind or character in any manner connected therewith, nor
 7 shall any such stenographer or type-writer, in the performance of any work
 8 connected with his employment, exercise any discrimination of any kind or
 9 character in favor of any party to any action, attorney or other person, except-
 10 ing in so far as such discrimination may be authorized by any rule adopted by
 11 the judges pertaining to such stenographic and type-writing department.

Sec. 59. MAY TAKE DEPOSITIONS.] A deposition may be taken before and
 2 certified to by a stenographer in such stenographic and type-writing depart-
 3 ment in accordance with such regulations as may be prescribed by the judges.

Sec. 60. FEES.] The fees and charges for services rendered by any steno-
 2 graphic and type-writing department shall be such as are hereinafter prescribed
 3 or as may be provided, from time to time, by law.

Sec. 61. JUDGES TO PRESCRIBE RULES.] It shall be the duty of the judges
 3 of said court to prescribe such rules and regulations as may be needful for

3 the prompt collection of and accounting for the fees and charges specified in
4 the preceding section.

Sec. 62. SUITABLE ROOMS, TYPE-WRITING MACHINES, ETC., TO BE PROVIDED.]

2 Suitable rooms for the performance by the employes of the stenographic and
3 type-writing department and all necessary type-writing machines, grapho-
4 phones and other suitable appliances and stationery and other materials shall
5 be provided by the judges thereof, the expenses thereof to be paid as herein-
6 after provided.

Sec. 63. RECEIPTS TO BE PAID TO CLERK.—DISPOSITION OF SURPLUS—MAKING

2 UP DEFICIT.] All receipts of every such type-writing department shall be
3 paid by the clerk of said court, and shall be held and disposed of by said clerk
4 in such manner as the judges of said court may, by rule, provide, and the same
5 shall be used, so far as may be necessary, by said judges in the payment of the
6 salaries, compensation and expense accounts of stenographers and typewriters
7 and all other expenses of said respective stenographic and type-writing depart-
8 ment hereinbefore provided for. At the end of each three months the said judges
9 shall ascertain the total receipts and expenditures of said stenographic and type-
10 writing department, and, if such receipts exceed the expenditures, the balance of
11 receipts, after deducting such expenditures, shall be paid into the city treasury
12 of the city of Chicago, but if the expenditures, shall exceed such receipts, the
13 deficit shall be paid by the city treasurer out of the city treasury in such man-
14 ner as such judges may, by rule, prescribe.

Sec. 64. INTENTION OF ACT—POWER OF JUDGES.] It is hereby declared to be

2 the intention of this Act that the business of such stenographic and typewriting
3 department shall be managed and carried on with the same care and prudence
4 with which any prudent private individual or any well managed private corpo-
5 ration would carry on the business of any similar department in his or its busi-

ness; that the same shall be furnished with all of the most modern appliances and be first class and up-to-date in every particular, and that parties to actions and their attorneys and all other persons entitled to the services of such stenographic and type-writing department shall be served thereby as promptly and efficiently as they would reasonably expect to be served if such stenographic and type-writing department were under the management of a prudent private individual or of a well managed private corporation whose interest it was to furnish prompt and efficient service, and the said judges of said court are hereby vested with all powers, in addition to those herein expressly conferred, which, in their judgment, are necessary for the carrying into effect of said intention.

Sec. 65. INSPECTION AND AUDIT OF ACCOUNTS.] The judges of said court shall provide for the inspection and auditing of the accounts pertaining to such stenographic and type-writing department. The expense of such auditing and inspection shall be paid out of the receipts of such stenographic and type-writing departments.

DIVISION VI.

MASTERS.

SECTION

- 66. Masters to be appointed.
- 67. Powers and duties.
- 68. Qualifications of masters.
- 69. Persons not to be excluded when.
- 70. Examination—eligible list.
- 71. Preliminary education of candidates.
- 72. Subjects of examination.

SECTION

- 73. To be commissioned by Governor.
- 74. Oath.
- 75. Tenure of office.
- 76. Salary.
- 77. Retirement—pension.
- 78. Removal.

Sec. 66. MASTERS TO BE APPOINTED.] There shall be appointed, from time to time, such number of officers, not exceeding fifteen at any one time, as shall be

3 determined by a majority of the judges of the municipal court by orders signed
 4 by them and spread upon the records of the court, to be known as masters of the
 5 municipal court.

Sec. 67. POWERS AND DUTIES.] Masters of the municipal court shall have
 2 and exercise all the powers and perform all the duties of judges of said court in
 3 civil actions and proceedings in said court, and shall have such powers and per-
 4 form such duties in interlocutory matters in criminal and quasi criminal actions
 5 as may be provided by the rules of said court. They shall be assigned to duty
 6 by the chief justice. Said masters shall also have all the powers and may per-
 7 form all the duties in said municipal court which are conferred or imposed from
 8 time to time by law upon masters in chancery of the circuit court in similar
 9 cases, and may, with the approval of the chief justice of the municipal court and
 10 at the request of any judge of a circuit court, or of the superior court of Cook
 11 county, or of any county court or probate court, exercise the powers and per-
 12 form the duties of masters in chancery in such circuit court or the superior court
 13 of Cook county, or in such county court or probate court.

Sec. 68. QUALIFICATIONS OF MASTERS.] No person shall be appointed a mas-
 2 ter of the municipal court unless he or she shall be at least thirty-five years
 3 of age, and not over sixty years of age, nor unless he or she shall have resided
 4 in the county of Cook, and been there engaged, either in active practice as an
 5 attorney and counsellor at law, or in the discharge of the duties of a judicial of-
 6 fice, ten years next preceding his or her appointment, or in one of said occupa-
 7 tions during a portion of said time and in the other the remaining portion there-
 8 of, and shall at the time of his or her appointment be a resident of the city of Chi-
 9 cago, and shall also have successfully passed an examination as hereinafter
 10 provided.

Sec. 69. PERSONS NOT TO BE EXCLUDED WHEN.] No person shall be excluded
 2 from any such examination because of not having, at the time of holding the

3 same, attained the age of thirty-five years, if in other respects qualified therefor,
 4 but any person who, though not having attained the age of thirty-five years at
 5 the time of the holding of the same, shall have successfully passed such exam-
 6 ination, may be thereafter, upon his or her attaining the age of thirty-five years,
 7 placed upon the eligible list by the Supreme Court.

Sec. 70. EXAMINATION—ELIGIBLE LIST.] It shall be the duty of the Supreme
 2 Court, as soon after the taking effect of this Act as may be practicable, and
 3 from time to time thereafter as the court may deem necessary or expedient, to
 4 cause to be held by such persons as may be appointed by the court for that pur-
 5 pose, examinations of candidates for the office of master of the municipal court,
 6 such examinations to be held at such times and places as may be designated by
 7 the court, and to make or cause to be made, from time to time, lists of persons
 8 who have successfully passed said examinations and who are eligible for ap-
 9 pointment as such masters, such persons to be placed upon such list in the order
 10 of their merit as disclosed by such examinations. All expenses incident to the
 11 holding of such examinations, including just compensation to the persons ap-
 12 pointed to conduct the same to be fixed by the Supreme Court, shall be paid out
 13 of the city treasury of the city of Chicago on the certificate of the Chief Justice
 14 of the Supreme Court.

Sec. 71. PRELIMINARY EDUCATION OF CANDIDATES.] No person shall be
 2 deemed competent to take such examination unless he or she shall have been a
 3 graduate of a high school of this State, or shall have satisfactorily passed an
 4 examination equivalent to that required for graduation from a high school of
 5 this State, or shall have graduated with a bachelor's degree, or some equiva-
 6 lent degree, from the academic department of some college or university in the
 7 United States, or some foreign country, substantially equal in standing to the
 8 University of Illinois.

Sec. 72. SUBJECTS OF EXAMINATION.] The subjects of examination shall be
 2 determined by the Supreme Court and shall be such as will fairly test the quali-
 3 fications of the applicant to properly discharge the duties of master, and they
 4 shall include a thorough examination of the physical condition of the applicant.
 5 No person shall be permitted to pass such examination who is not in such physi-
 6 cal condition as to enable him or her to properly perform the duties of the office.

Sec. 73. TO BE COMMISSIONED BY GOVERNOR.] Every person appointed a mas-
 2 ter of the municipal court shall be commissioned by the Governor.

Sec. 74. OATH.] Every person appointed a master of the municipal court
 2 shall, before entering upon the duties of his or her office, take and subscribe the
 3 following oath or affirmation, and file the same in the office of the Secretary of
 4 State:

5 I (here insert name) do solemnly swear (or affirm, as the case may be,)
 6 that I will support the Constitution of the United States and the Constituion of
 7 the State of Illinois, and that I will faithfully discharge the duties of master of
 8 the municipal court of Chicago to the best of my ability.

Sec. 75. TENURE OF OFFICE.] Every person appointed as master of the mu-
 2 nicipal court shall hold his or her office until he shall have attained the age of
 3 seventy years, unless, prior, to that time, his or her office shall become vacant
 4 by his or her death, resignation, removal from office or retirement as provided
 5 in this Act.

Sec. 76. SALARY.] Every master of the municipal court shall receive a
 2 salary payable in quarterly installments out of the city treasury, which salary
 3 shall be at the rate of six thousand dollars (\$6,000) per annum for each of the
 4 first ten years of service, at the rate of seven thousand dollars (\$7,000) per an-
 5 num for each of the second ten years of service, and at the rate of eight thous-

6 sand dollars (\$8,000) per annum for each year of service after the first twenty
7 years.

Sec. 77. RETIREMENT—PENSION.] When any master of the municipal court
2 shall have attained the age of seventy years, he or she shall be retired from ser-
3 vice as such master and shall thereafter, during his or her natural life, receive
4 a pension payable out of the city treasury in quarterly installments equal to two
5 hundred dollars (\$200) per annum for every year of his or her service as such
6 master. Any such master, who, prior to his or her attaining the age of seventy
7 years and after serving as such master at least ten years, shall have become
8 physically or mentally incapacitated to properly discharge the duties of his office
9 as such master may be retired upon a like pension upon the order of the Supreme
10 Court.

Sec. 78. REMOVAL.] Any master of the municipal court may be removed from
2 his or her office by the Supreme Court upon the application of a majority of the
3 judges of the municipal court, or upon the application of a majority of the trus-
4 tees of the attorney's association of Cook county, should such association be
5 established by law, whenever, in the opinion of the Supreme Court, such removal
6 will be in the interest of an honest and efficient administration of justice in said
7 municipal court. Any such application shall be heard after such notice to the
8 master affected thereby, and such opportunity to be heard as the Supreme Court
9 may direct. Whenever any two hundred and fifty or more attorneys at law re-
10 siding in the county of Cook and authorized to practice in the courts of record
11 of this state shall present to the supreme court a petition praying for the sub-
12 mission to the attorneys at law residing in said county of Cook of the question
13 whether any master of the municipal court, to be named in said petition, shall
14 be retained in his or her office, the supreme court shall cause a vote of the at-
15 torneys at law residing in said county of Cook to be taken by ballot upon said
16 question and if, at such voting, two thirds of the attorneys at law voting upon

the question shall vote in the negative, said master shall thereafter cease to be a master of said court. The expense of the taking of such vote, to be ascertained by the supreme court, shall be paid out of the city treasury upon the certificate of the chief justice of the supreme court. But no such vote shall be taken with respect to any master who shall not, at the time of the taking of the same, have served at least two years as such master, nor with respect to any master who shall have served as such master over fifteen years, nor shall more than one vote be taken with respect to any one master. Such vote shall be taken by the mailing of ballots in such manner as the supreme court may direct.

DIVISION VII.

THE RECALL.

SECTION	SECTION
79. Judge, clerk and bailiff subject to recall.	82. Affirmative vote at election to vacate office.
80. Petition of attorneys—duty of supreme court.	83. Within what time officer may be recalled.
81. Submission to people when vote in affirmative.	

Sec. 79. JUDGE, CLERK AND BAILIFF SUBJECT TO RECALL.] Any judge of the municipal court, or the clerk or the bailiff thereof, may be recalled from office and his tenure of office terminated in the manner hereinafter provided.

Sec. 80. PETITION OF ATTORNEYS—DUTY OF SUPREME COURT.] Whenever any two hundred and fifty or more attorneys at law residing in the county of Cook and authorized to practice in the courts of record of this state shall present to the supreme court a petition praying for the submission to the attorneys at law residing in said county of Cook of the question whether any judge of the municipal court named in such petition, or the clerk, or the bailiff thereof, ought to be recalled from office, the supreme court shall cause a vote of the attorneys at law

8 residing in said county of Cook to be taken by ballot upon said question. Such
 9 vote shall be taken by the mailing of ballots in such manner as the supreme court
 10 shall direct.

Sec. 81. SUBMISSION TO PEOPLE WHEN VOTE IN AFFIRMATIVE.] If, from a can-
 2 vass of the vote taken as provided in the preceding section, it shall appear that
 3 a majority of the attorneys at law voting upon the question have voted in favor
 4 of the proposition to recall such judge, clerk or bailiff from office, the supreme
 5 court shall cause a certificate thereof to be transmitted to the election com-
 6 missioners of the city of Chicago whose duty it shall be to cause such proposi-
 7 tion to be printed upon a special ballot to be voted at the next general or special
 8 election held within the city of Chicago not less than sixty days after the mak-
 9 ing of such certificate. The form of such ballot may be substantially as
 10 follows:

Shall (here insert name) be recalled from the of- fice of (here insert title of office.)	Yes.	
	No.	

Sec. 82. AFFIRMATIVE VOTE AT ELECTION TO VACATE OFFICE.] If a majority of
 2 the voters voting upon such question at such election shall vote upon such
 3 proposition in the affirmative, the judge, clerk or bailiff named in such ballot
 4 shall thereafter cease to hold his office and his office shall be declared vacant
 5 and such vacancy shall be filled in the manner provided by this act for filling
 6 vacancies.

Sec. 83. WITHIN WHAT TIME OFFICER MAY BE RECALLED.] No judge, clerk
 2 or bailiff shall be subject to recall, nor shall any petition for his recall be signed
 3 until the expiration of two years after his election to his office; and no more
 4 than one election upon the question of his recall shall be taken during any one
 5 term of his office.

DIVISION VIII.

JURISDICTION OF ACTIONS AND CLASSIFICATION THEREOF.

SECTION

84. Jurisdiction of actions and proceedings
—classification.

SECTION

85. Actions—criminal, quasi-criminal and
civil—definition.

Sec. 84. JURISDICTION OF ACTIONS AND PROCEEDINGS—CLASSIFICATION.] The

2 municipal court shall have jurisdiction of the following actions and proceedings:

3 *First—ACTIONS FOR MONEY.] All actions at law for the recovery of money*
4 *only, which actions, for convenience in keeping the records of the court, shall be*
5 *classified as follows:*

6 (a) CONTRACT.] Contract actions, which shall include all actions at law on
7 contracts, express or implied, for the recovery of money only and not other-
8 wise classified in this section, which classification shall be expressed upon the
9 record by the word “CONTRACT.”

10 (b) TORT.] Tort actions, which shall include all actions at law for the re-
11 covery of damages for torts, which classification shall be expressed upon the
12 record by the word “TORT.”

13 (c) ATTACHMENT.] Attachment actions, which shall include all actions
14 brought in pursuance of the provisions of law permitting the attachment of
15 property, which classification shall be expressed upon the record by the words
16 “ATTACHMENT” or “ATTACHMENT OF WATER CRAFT,” as the case may be.

17 (d) DISTRESS FOR RENT.] Distress for rent actions, which shall include all
18 actions brought by landlords against their tenants for rent and which are com-
19 menced by the levying of distress warrants, which classification shall be ex-
20 pressed upon the record by the words “DISTRESS FOR RENT.”

21 (e) QUASI CRIMINAL.] Quasi criminal actions, which shall include all ac-
22 tions for the recovery of penalties or fines for the violations of ordinances of
23 municipal corporations, all *qui tam* actions and all other actions brought to re-

cover fines or penalties accruing to the State or to any county, village, incorporated town or town not incorporated, or to any individual, for the recovery of which an indictment or information will not lie, which classification shall be expressed upon the record by the words "QUASI CRIMINAL."

(f) CONFESSON.] Confessions of judgment, which classification shall be expressed upon the record by the word "CONFESSON."

(g) RECOGNIZANCE.] Recognizance actions, which shall include all actions brought on recognizances, which classification shall be expressed upon the record by the word "RECOGNIZANCE."

(h) REVIVAL OF JUDGMENT.] Revival of judgment actions, which shall include all actions brought to revive judgments, which classification shall be expressed upon the record by the words "REVIVAL OF JUDGMENT."

Second—ACTIONS FOR PERSONAL PROPERTY.] Actions at law for the recovery of personal property, which actions for convenience in keeping the records of the several courts of original jurisdiction shall be classified as follows:

(a) REPLEVIN.] Replevin actions, which shall include all actions of replevin, which classification shall be expressed upon the record by the word "REPLEVIN."

(b) TRIAL OF RIGHT OF PROPERTY.] Trial of right of property actions, which shall include all statutory proceedings, other than actions of replevin, for the trial of the right of property levied upon under executions, writs of attachment or tax warrants, which classification shall be expressed upon the record by the words "TRIAL OF THE RIGHT OF PROPERTY."

Third—FORCIBLE DETAINER.] Forcible detainer actions, which shall include all actions of forcible detainer or forcible entry and detainer, which classification shall be expressed upon the record by the words "FORCIBLE DETAINER."

Fourth—BASTARDY.] Actions of bastardy, which shall include all prosecutions for bastardy, which classification shall be expressed upon the record by the word "BASTARDY."

53 *Fifth*—SUPPLEMENTARY PROCEEDINGS.] Supplementary proceedings, which
 54 shall include all proceedings by citation for the collection of judg-
 55 ments and decrees for the payment of money, the classification of which
 56 shall be expressed upon the record by the words “SUPPLEMENTARY PROCEED-
 57 ING.”

58 *Sixth*—CONTEMPT.] Actions of contempt, which shall include all actions for
 59 civil contempt of court, the classification of which shall be expressed upon the
 60 record by the word “CONTEMPT.”

61 *Seventh*—CRIMINAL ACTIONS.] Criminal actions, which shall include all ac-
 62 tions which the laws in force from time to time may permit or require to be
 63 prosecuted by criminal information or criminal complaint, and actions for crim-
 64 inal contempt of court, the classification of which shall be expressed upon the
 65 record by the word “CRIMINAL.”

66 *Eighth*—PEACE PROCEEDINGS.] Peace proceedings, which shall include all
 67 proceedings for the prevention of the commission of crimes, the classification
 68 of which shall be expressed upon the record by the words “PEACE PRO-
 69 CEEDING.”

70 *Ninth*—EXAMINATION PROCEEDINGS.] Examination proceedings, which shall
 71 include all proceedings for the arrest, examination, commitment and bail of
 72 persons charged with criminal offenses, the classification of which shall be ex-
 73 pressed upon the record by the word “EXAMINATION.”

74 *Tenth*—SEARCH WARRANT PROCEEDINGS.] Search warrant proceedings which
 75 shall include all proceedings pertaining to searches and seizures of personal
 76 property by means of search warrants, the classification of which shall be ex-
 77 pressed upon the record by the words “SEARCH WARRANT.”

78 *Eleventh*—EQUITY.] Such actions in equity as may be hereinafter provided
 79 for, or as may be auxiliary to other jurisdiction conferred by this Act upon said
 80 court, the classification of which shall be expressed upon the record by the
 81 words “IN EQUITY.”

82 *Twelfth*—TRANSFERRED CASES.] All actions of every kind and character
 83 which may be transferred to it from any other court of competent jurisdiction,
 84 by change of venue or otherwise, for trial and disposition, the classification of
 85 which shall be expressed upon the record by the words "TRANSFERRED CASE."

86 *Thirteenth*—SPECIAL PROCEEDINGS.] Special proceedings, which shall include
 87 all proceedings not embraced in those hereinbefore designated and which may
 88 be hereinafter provided for, the classification of which shall be expressed upon
 89 the record by the words "SPECIAL PROCEEDINGS," or by such other words as will
 90 sufficiently indicate the nature thereof.

Sec. 85. ACTIONS—CRIMINAL, QUASI CRIMINAL AND CIVIL—DEFINITION.] Ac-
 2 tions and proceedings shall also be known as criminal, quasi criminal and civil.
 3 Criminal actions and proceedings are those prosecuted by and in the name of
 4 the People of the State of Illinois by indictment, criminal information or crim-
 5 inal complaint, against persons charged with public offenses for the punishment
 6 thereof, or which pertain to the prosecution or prevention of such offenses, in-
 7 cluding criminal contempts of court. Quasi criminal actions shall include all
 8 actions for the recovery of penalties or fines for the violations of ordinances of
 9 municipal corporations, *qui tam* actions and all other actions brought to recover
 10 statutory fines or penalties accruing to the State, or to any county, city, village,
 11 incorporated town or town not incorporated, or to any individual, and which
 12 are prosecuted otherwise than by indictment, information, or criminal com-
 13 plaint. Civil actions shall include all actions not criminal or quasi criminal.

DIVISION IX.

PRACTICE.

SECTION	SECTION
86. Practice same as in circuit and other courts except as otherwise provided.	106. Other procedure in changes of venue.
87. Place of commencing actions.	107. Lien of judgments—registered land.
88. Action commenced in wrong district to be transferred to right district.	108. How orders, judgments and decrees enforced.
89. Transfer when jury trial demanded.	109. Judgment exceeding \$25 exclusive of costs—how proceeded under.
90. When summons or writ to require defendant to appear.	110. Petit jurors—how provided for and summoned—how paid.
91. How summons or writ served—exceptions.	111. Jury trial to be demanded when.
92. When defendant served with summons or writ must enter appearance.	112. Jury trial mandatory in capital and penitentiary cases.
93. When defendant notified by publication must enter appearance.	113. Waiver of jury in misdemeanors and quasi-criminal actions.
94. Motion and affidavit in abatement—specification of defenses.	114. Jurors to be interrogated before impanelling.
95. When defaults may be entered.	115. Challenges of jurors.
96. Defaults to be noted by clerk or deputy—entry of defaults.	116. Examination of jurors at trial—review on appeal or error.
97. Evidence upon assessment of damages.	117. When defendant released on his own recognizance.
98. Setting aside defaults.	118. Procedure in examination proceedings.
99. Time of taking defaults, etc., may be regulated by rule.	119. Judge presiding at examination not to preside at trial when.
100. Damages may be assessed by master—judgment.	120. Files and records.
101. Duty of master to assess damages—when attendance of plaintiff not necessary—judges to adopt rules and regulations.	121. Appellate procedure.
102. Change of venue—when application to be made in certain cases.	122. Adoption of rules of practice.
103. Granting of change of venue not to delay trial—procedure.	123. Practice when method of procedure insufficiently prescribed.
104. When change of venue may be granted by stipulation.	124. Certifying questions to supreme court—form of certificate.
105. Specification of judge as ineligible.	125. Primary purposes of establishment of municipal court—duty of supreme court.
	126. Supreme court to exercise superintendence—annual investigation.

Sec. 86. PRACTICE SAME AS IN CIRCUIT AND OTHER COURTS EXCEPT AS OTHERWISE PROVIDED.] The practice in the municipal court, excepting as may be otherwise expressly provided by this Act, or by the rules of said municipal court adopted in pursuance of this Act, shall be the same, as near as may be, as the practice

5 from time to time provided by law for similar cases in the circuit courts and in
6 other courts of record of original jurisdiction.

Sec. 87. PLACE OF COMMENCING ACTIONS.] Every civil action for money or
2 personal property, one brought against the city of Chicago or some other mu-
3 nicipal corporation excepted, when the amount of money or the value of the per-
4 sonal property sought to be recovered does not exceed one thousand dollars
5 (\$1,000), and every action of forcible detainer, shall be brought and prosecuted
6 in the district in which the defendant, if there be but one defendant, or one of
7 the defendants, if there be more than one defendant, resides or is found, or, if
8 the defendant be a corporation having its principal office in the city of Chi-
9 cago, in the district in which its principal office is located; but if the defendant
10 be a corporation not having a principal office in the city of Chicago the action may
11 be brought in any district within which service of process may be had upon
12 any officer, agent or employe of such corporation upon whom such service of
13 process is authorized to be made by this Act: *Provided, however,* that the fore-
14 going provisions shall not apply to attachment actions, replevin actions or ac-
15 tions of distress for rent, brought against non-residents of this State, which
16 actions may be brought in any district when any property of the defendant is
17 levied upon, replevined or destrained within such district, or any garnishee re-
18 sides or is found in such district, nor shall they apply to forcible de-
19 tainer actions in which the defendants do not reside or can not be found
20 within the city of Chicago, which actions may be brought in any district in
21 which the property, the possession of which is sought to be recovered, is situ-
22 ated. A criminal action, a quasi criminal action for the violation of a municipal
23 ordinance, a peace proceeding, an examination proceeding, or a search war-
24 rant proceeding, may be commenced in any district. All other actions and pro-
25 ceedings shall be commenced and prosecuted in the first district.

Sec. 88. ACTION COMMENCED IN WRONG DISTRICT TO BE TRANSFERRED TO RIGHT DISTRICT.] When, upon the complaint of any defendant, it shall be made to appear to the municipal court in any district that the action has been improperly brought therein the court shall not be required on that account to dismiss the action if the municipal court in any district could properly have jurisdiction thereof, but in any such case the court may cause such action to be transferred to the proper district and the court in the district to which the same is transferred shall proceed therewith as if the same had been originally commenced in said district: *Provided, however,* that the court may, in its discretion, require the plaintiff to pay the costs of the defendant paid by him prior to such transfer.

Sec. 89. TRANSFER WHEN JURY TRIAL DEMANDED.] Whenever a trial by jury is demanded in any case, whether civil, criminal or quasi criminal, pending in any district other than the first district, the court may, in its discretion, direct the trial of said action to be had in the first district and for that purpose may cause said action to be transferred to the first district to be there tried and disposed of: *Provided, however,* that no such transfer shall be made when the same shall appear to be unduly burdensome or oppressive to either of the parties to the action.

Sec. 90. WHEN SUMMONS OR WRIT TO REQUIRE DEFENDANT TO APPEAR.] The summons or writ shall require the defendant to appear on some Monday, not less than five (5) nor more than thirty (30) days from the filing of the praecipe: *Provided, however,* that when the action is brought for the recovery of money or personal property, or both, and the amount of money or the value of the personal property sought to be recovered, or both, does not exceed one hundred dollars (\$100), or when the action is an action of forcible detainer or an action for the trial of the right of property, the time at which the summons or writ is to require the defendant to appear shall be nine-thirty o'clock a. m. sharp on

10 some Monday or Thursday, not less than five (5) nor more than thirty (30) days
11 from the filing of the praecipe.

Sec. 91. HOW SUMMONS OR WRIT SERVED — EXCEPTIONS.] Service of any
2 summons or writ, other than a *capias ad respondendum* or other writ requir-
3 ing the arrest of the person therein named, shall be made by delivering either
4 a copy of one of the originals thereof, together with a copy of the plaintiff's
5 praecipe and statement of claim, praecipe, distress warrant and inventory, or
6 bill of complaint in equity, praecipe, affidavit and bond in attachment, or prae-
7 cipe, affidavit and bond in replevin, as the case may be, and of all other papers
8 required by this Act to be served therewith upon the defendant, to the proper
9 person and informing such person of the contents of such original or copy of the
10 summons or writ, as follows:

11 *First*—WHEN DEFENDANT AN INDIVIDUAL SUI JURIS.] If the defendant be an
12 individual, and not a minor or person of unsound mind, or person judicially
13 declared to be a drunkard or spendthrift and for whom a guardian has been
14 appointed, such delivery shall be made to such defendant, or, if the defendant
15 cannot be conveniently found, it shall be made at his usual place of abode to
16 some person of the family of the age of ten years or upwards.

17 *Second*—WHEN DEFENDANT A MINOR.] If the defendant be a minor such
18 delivery shall be made to him and a like delivery shall also be made to his
19 father, mother, or guardian, or, if there be none within the city of Chicago,
20 then to any person having the care or control of such minor or with whom he
21 shall reside or in whose service he shall be employed: *Provided, however,*
22 *that if such father, mother, guardian or other person be the plaintiff or one*
23 *of the plaintiffs in the action, such summons or writ shall be served in such*
24 *manner as the court may direct.*

25 *Third*--WHEN DEFENDANT OF UNSOUND MIND, ETC., WITHOUT GUARDIAN.] If
26 the defendant be a person of unsound mind for whom no guardian or conserva-

tor has been appointed, such service shall be made in such manner as the court may, by general rule or otherwise, direct.

Fourth—WHEN DEFENDANT OF UNSOUND MIND, ETC., WITH CONSERVATOR.] If the defendant be a person judicially declared to be of unsound mind, a drunkard, or spendthrift, for whom a guardian or conservator has been appointed, such delivery shall be made to him, and a like delivery shall also be made to his guardian or conservator.

Fifth—INCORPORATED COMPANY.] If the defendant be an incorporated company, other than a municipal corporation, such delivery shall be made to its president, vice president, secretary, treasurer, or cashier, if either of them may be conveniently found within the city of Chicago, but if neither of such officers can be conveniently found in the city of Chicago, then such delivery may be made to any clerk, superintendent, general agent, engineer, conductor, station agent or any other agent of such corporation who may be found in said city of Chicago: *Provided, however,* that when any such corporation has an officer or employee designated as general counsel, general attorney, or local attorney, such delivery may be made in any case, if the plaintiff so elect, to such general counsel, general attorney or local attorney or to any clerk in the office of such general counsel, general attorney or local attorney.

Sixth—COUNTY.] If the defendant be the county of Cook, such delivery shall be made to the clerk or chairman of the county board: *Provided, however,* that if said county have an officer or employee designated as county attorney, such delivery may be made in any case, if the plaintiff so elect, to such county attorney or to any assistant or other person employed in the office of such county attorney.

Seventh—CITY.] If the defendant be the city of Chicago, such delivery shall be made to the corporation counsel or city attorney or to the mayor or clerk of said city, or to any assistant or other employee in the office of the corporation counsel or city attorney of said city.

56 *Eighth*—OTHER MUNICIPAL CORPORATION.] If the defendant be a municipal
 57 corporation other than the city of Chicago such delivery shall be made to the
 58 officer, employe or agent thereof to whom a like delivery may be made in the
 59 case of a summons issued out of a circuit court.

60 *Ninth*—RECEIVER OF CORPORATION.] If the defendant be the receiver of an
 61 incorporated company, such delivery shall be made to such receiver, if he may
 62 be conveniently found in the city of Chicago, but if he shall not be conveni-
 63 ently found in said city, then such delivery may be made to any attorney, clerk,
 64 secretary, superintendent, general agent, engineer, conductor, station agent or
 65 any agent in the employ of such receiver, or receivers, who may be found in
 66 said city.

67 *Tenth*—TRUSTEE OPERATING RAILWAY.] If the defendant be a trustee operat-
 68 ing, managing or controlling a railway, such delivery shall be made to him, if
 69 he may be conveniently found within the said city, but if he shall not be con-
 70 veniently found in said city, then such delivery shall be made to any attorney,
 71 clerk, secretary, superintendent, general agent, engineer, conductor, station
 72 agent or any agent in the employ of such trustee who may be found in said
 73 city.

74 *Eleventh*—NON-RESIDENT CO-PARTNERSHIP.] If the defendants be members of
 75 a co-partnership, all of whom are non-residents of this State, but having a place
 76 or places of co-partnership business within the city of Chicago, such delivery
 77 may be made to any agent of such co-partnership, but in any such case the
 78 judgment, if any be rendered against the defendants, shall only be valid as
 79 against the property of such co-partnership within the city of Chicago.

Sec. 92. WHEN DEFENDANT SERVED WITH SUMMONS OR WRIT MUST ENTER AP-
 2 PEARANCE.] The defendant in any action for the recovery of money or personal
 3 property, or both, when the amount of money or the value of the personal prop-
 4 erty, or both, sought to be recovered does not exceed one hundred dollars (\$100),

5 or in any action of forcible detainer or in any action for the trial of the right of
 6 property, in case he shall have been served with the summons or writ five (5)
 7 days or more prior to the day specified therein for his appearance, shall enter his
 8 appearance at or before nine-thirty o'clock a. m. sharp on the Monday or Thurs-
 9 day specified in the summons or writ for such appearance, but in case the
 10 summons or writ shall have been served less than five (5) days prior to the
 11 day therein specified for the appearance of the defendant, the defendant shall not
 12 be required to enter his appearance until nine-thirty o'clock a. m. sharp of the
 13 next Monday succeeding the Monday or of the next Thursday succeeding the
 14 Thursday specified in the summons or writ for his appearance. In every other
 15 action the defendant, in case he shall have been served with the summons or writ
 16 five (5) days or more prior to the day specified therein for his appearance,
 17 shall enter his appearance on or before the Thursday succeeding the day speci-
 18 fied in the summons or writ therefor, but in case the summons or writ shall
 19 have been served less than five (5) days prior to the day therein specified for
 20 the appearance of the defendant, the defendant shall not be required to enter
 21 his appearance until on or before the first Monday succeeding such day speci-
 22 fied for his appearance. When any defendant so served with the summons or
 23 writ in any case does not reside in the city of Chicago, or when the plaintiff
 24 files with his statement of claim an affidavit of claim or interrogatories to be
 25 answered by the defendant, or a statement in writing verified by affidavit of
 26 facts which he expects to prove upon the trial, the time within which the defend-
 27 ant would otherwise be required to enter his appearance shall be extended seven
 28 (7) days.

Sec. 93. WHEN DEFENDANT NOTIFIED BY PUBLICATION MUST ENTER APPEAR-

2 ANCE.] Whenever any defendant in any action shall have been notified by pub-
 3 lication of notice of the pendency of the action in the manner hereinbefore pro-

vided, he shall file his appearance in writing, on or before the day in which he is required by the notice to appear.

Sec. 94. MOTION AND AFFIDAVIT IN ABATEMENT—SPECIFICATION OF DEFENSES.]

The defendant in any action at law, other than an action of contempt, a quasi criminal action commenced by warrant, or a criminal action, shall, at the time he enters his appearance, file with the clerk either a motion for an abatement of the action and an affidavit in support thereof, either with or without a specification in an abbreviated form of his defense or defenses to the action, or a specification, in an abbreviated form, of his defense or defenses to the action without such motion and affidavit, and shall, at the same time, deliver or cause to be delivered a copy of such motion in abatement, affidavit and specification, if any, of his defense or defenses, or a copy of his specification of defense or defenses without such motion and affidavit, as the case may be, to the plaintiff or to the plaintiff's attorney: *Provided, however,* that no motion in abatement or specification of defenses need be filed by the defendant in any action at law for the recovery of money and in which the amount claimed by the plaintiff does not exceed one hundred dollars (\$100). Such motion in abatement, affidavit and specification of defense or defenses, or specification of defense or defenses without such motion and affidavit, as the case may be, shall be written upon the same sheet of paper with the appearance, when practicable, and, when that is impracticable, they shall be fastened together and filed as one paper.

Sec. 95. WHEN DEFAULTS MAY BE ENTERED.] Excepting as may be other

wise expressly provided by this Act, a default may be entered against any defendant in an action at law under the following circumstances:

First—FAILURE TO ENTER APPEARANCE.] When the defendant, having been duly served with the summons or writ, fails to file with the clerk his appearance in writing in such action within the time specified therefor in this Act.

7 *Second*—FAILURE TO FILE SPECIFICATION OF DEFENSES.] When the defendant
 8 at the time of filing his appearance in writing fails to file with the clerk a speci-
 9 fication of his defense or defenses, in any action in which the filing of such specifi-
 10 cation of defense or defenses is required by this Act.

11 *Third*—FAILURE TO COMPLY WITH RULE.] When the defendant fails to com-
 12 ply with any rule laid upon him within the time required by such rule.

13 *Fourth*—FAILURE TO FILE AFFIDAVIT OF MERITS.] When, in any action upon
 14 a contract, express or implied, for the payment of money the plaintiff has filed
 15 with his statement of claim an affidavit showing the nature of his demand and
 16 the amount due him from the defendant, after allowing to the defendant all his
 17 just credits, deductions and set-offs, if any, the defendant or his agent or attor-
 18 ney, if the defendant is a resident of the city of Chicago, and is not an executor
 19 or administrator defending on behalf of an estate or the conservator of an
 20 idiot, habitual drunkard, lunatic or distracted person, or guardian of a minor,
 21 shall fail to file either with his appearance or with the specification of his de-
 22 fense or defenses, an affidavit stating that he verily believes the
 23 defendant has a good defense to such action upon the merits to the whole or a
 24 portion of the plaintiff's demand and specifying the nature of such defense,
 25 and, if the same be to a portion of the demand, specifying the amount according
 26 to the best of his judgment.

27 *Fifth*—NOTICE BY PUBLICATION—NON-APPEARANCE.] When the defendant,
 28 having been duly notified by publication of the pendency of the action, fails to
 29 file with the clerk his appearance in writing in such action on or before the day
 30 on which he is required by the notice to appear.

31 *Sixth*—NOTICE BY PUBLICATION—FAILURE TO FILE SPECIFICATION OF DEFENSES.]
 32 When the defendant, having been duly notified by publication of the pendency
 33 of the action, fails to file with the clerk a specification of his defense or de-
 34 fenses at the time of the filing of his appearance in writing in any action in

35 which the filing of such specification of defense or defenses is required by this
36 Act.

Sec. 96. DEFAULTS TO BE NOTED BY CLERK OR DEPUTY—ENTRY OF DEFAULTS..]

2 It shall be the duty of the clerk, or of any deputy clerk, assigned to duty for that
3 purpose by the chief justice, at nine-thirty o'clock a. m. of each Monday, Tuesday,
4 Thursday and Friday of each week, to prepare or cause to be prepared a list of
5 all actions then pending in the court in which the defendants or any of them are
6 in default for want of appearance and in which no defaults have been entered,
7 and, upon the presentation of such list to any judge or master of said court,
8 it shall be the duty of said judge or master to cause defaults to be duly entered
9 upon the record against such defendants, and no attendance on the part of any
10 plaintiff shall be necessary for the procuring of any such default.

Sec. 97. EVIDENCE UPON ASSESSMENT OF DAMAGES.] Upon the entry of any
2 default in any action at law for the recovery of money, the amount of the
3 plaintiff's claim, which will be hereinafter designated as the damages, shall be
4 assessed by the court, or officer authorized by this Act to make such assess-
5 ment, without the intervention of a jury, unless the defendant shall have filed
6 in the action his appearance in writing, together with a demand in writing of
7 a trial by jury. When, in any such action, the damages are assessed by the
8 court, or officer aforesaid, and the action is on a contract, express or implied,
9 for the payment of money, the court, or officer aforesaid, may receive, as sufficient
10 evidence for that purpose, an affidavit or affidavits, provided the same shall
11 show the nature of the plaintiff's demand and the amount due him from the
12 defendant after allowing to the defendant all his just credits, deductions and
13 set-offs, and, in any such case in which any such affidavit or affidavits have
14 been filed, the court or officer may assess such damages of its or his own motion
15 and without the necessity of application therefor by the plaintiff, but damages
16 shall not be assessed against any party whose appearance has been entered,

except upon notice in writing to such party or his attorney served before four o'clock p. m. of the day preceding that on which such damages are proposed to be assessed, or upon its being satisfactorily made to appear to the court that the service of such notice has been impracticable: *Provided, however,* that in actions of attachment in which the defendant has been notified by publication only and has not entered his appearance, judgment shall not be rendered against him for a greater sum than appears, by the affidavit of the plaintiff, his agent or attorney, to have been due at the time of obtaining the attachment, with interest, damages and costs.

Sec. 98. SETTING ASIDE DEFAULTS.] The court may, in its discretion, either before final judgment or within sixty days thereafter, set aside any default upon such terms and conditions as shall be deemed reasonable. No motion to set aside a default shall be overruled because of the negligence or want of diligence of any attorney, if the party defaulted shall not appear to have been personally guilty of negligence or want of diligence, and shall, if plaintiff, show by affidavit or otherwise a good cause of action, or, if defendant, shall show a good defense. But the court may, in case of the negligence of the attorney, require such attorney to pay all the costs of the action down to the time such default is vacated.

Sec. 99. TIME OF TAKING DEFAULTS, ETC., MAY BE REGULATED BY RULE.] The time within which defaults may be taken or damages assessed, and the extent of the notices to be given as hereinbefore provided, may be extended or changed by the court by special order in any action or by general rules.

Sec. 100. DAMAGES MAY BE ASSESSED BY MASTER—JUDGMENT.] The chief justice may assign any master to the duty of assessing damages in actions on contracts, express or implied, for the payment of money in cases in which defaults for non-appearance have been entered against the defendants, or any of

5 them, and any master so assigned to such duty may hear the evidence and assess
 6 the damages to which the plaintiff may be entitled and may receive, as sufficient
 7 evidence of the plaintiff's damages, the affidavit of the plaintiff's claim, if any
 8 such affidavit be filed, as well as any other competent evidence, and may enter
 9 judgment in favor of the plaintiff and against the defendant for the amount of
 10 such assessment.

Sec. 101. DUTY OF MASTER TO ASSESS DAMAGES—WHEN ATTENDANCE OF PLAIN-
 2 TIFF NOT NECESSARY—JUDGES TO ADOPT RULES AND REGULATIONS.] It shall be the
 3 duty of every master assigned to such duty, as aforesaid, to assess the damages
 4 in every case of default specified in the preceding section when applied to for
 5 that purpose, and such damages may be assessed by such master without re-
 6 quiring the attendance of the plaintiff or his attorney for that purpose when-
 7 ever, by the terms of this Act, an affidavit of claim may be received as compe-
 8 tent evidence of such damages. It shall be the duty of the judges of the municipi-
 9 pal court to adopt such rules and regulations pertaining to defaults and the as-
 10 sessment of damages as will enable parties entitled to such defaults and assess-
 11 ments to obtain the same without unnecessary delay and, as far as may be prac-
 12 ticable, without interference with the prompt transaction of the other business
 13 of the court.

Sec. 102. CHANGE OF VENUE—WHEN APPLICATION TO BE MADE IN CERTAIN
 2 CASES.] Except as may be otherwise in this Act provided no application for
 3 a change of venue on account of the prejudice of a judge or judges, master or
 4 masters, in any action at law for the recovery of money only or personal property
 5 only, when the amount of money or the value of the personal property sought to
 6 be recovered does not exceed one hundred dollars (\$100), or in any quasi crim-
 7 inal action, or in any criminal action in which the punishment is by fine or im-
 8 prisonment otherwise than in the penitentiary, shall be allowed by the municipal
 9 court when the applicant names in his application more than three judges from

10 whom such change of venue is desired, nor unless such application for a change
 11 of venue is made by petition as may be required by law from time to time in
 12 like cases in the circuit courts and such petition is filed at or before the time
 13 of the filing or entering by the defendant of his appearance in the action in
 14 which such change of venue is asked for, if such action is a civil or quasi
 15 criminal action, or at or before the time the defendant is required to plead,
 16 if such action is a criminal action.

Sec. 103. GRANTING OF CHANGE OF VENUE NOT TO DELAY TRIAL—PROCEDURE.]

2 In no case shall the granting of any change of venue on account of the preju-
 3 dice of a judge or judges, master or masters, delay the trial of the action, but the
 4 action shall be tried and disposed of at the time set for the trial thereof, or at
 5 the time to which the trial thereof may be postponed, before some other judge
 6 or master of the court than the one or ones from whom the change of venue has
 7 been granted, or in any other district in which the same may be ordered to be
 8 tried, and all orders necessary for the setting of such case for trial and for the
 9 securing of a speedy trial thereof may be made by the judge or master from
 10 whom such change of venue has been obtained.

Sec. 104. WHEN CHANGE OF VENUE MAY BE GRANTED BY STIPULATION.] The

2 parties or any of them to any civil action pending in the municipal court,
 3 shall be entitled to a change of venue from any one or more but not exceed-
 4 ing three of the judges or masters of said municipal court whenever the parties
 5 to said action, or their attorneys, shall file a stipulation in writing signed by
 6 such parties, or their attorneys, that such change of venue be granted and in
 7 such case the trial of the action shall be had before some other judge or mas-
 8 ter of the court than the one or ones from whom such change of venue has been
 9 granted.

Sec. 105. SPECIFICATION OF JUDGE AS INELIGIBLE.] In any civil or quasi
 2 criminal action commenced in the municipal court in any district in which
 3 there are three or more branches being held at the same time the plaintiff,
 4 at the time of the commencement of the action, and the defendant, at the time
 5 he enters his appearance, shall have the right to specify by name one of said
 6 judges as ineligible for the trial or hearing of the action. Such specifica-
 7 tions shall be in writing and, if made by the plaintiff, shall be united with
 8 his praecipe or be indicated by a note to his bill of complaint and, if made by
 9 the defendant, shall be united with his appearance. In a case in which there
 10 are several defendants entering separate appearances the right to such speci-
 11 fication shall belong to the defendant first filing the same. No judge thus
 12 specified as ineligible shall in any manner take part in the trial or hearing
 13 of such action or in any proceeding therein. Such specification may be in sub-
 14 stantially the following form:
 15 “Hon. Henry Brown shall be ineligible.”

Sec. 106. OTHER PROCEDURE IN CHANGES OF VENUE.] The rules pertaining
 2 to changes of venue, other than those prescribed in the four preceding sec-
 3 tions, shall conform, as near as may be, to the rules prescribed from time to
 4 time by law for similar cases in the circuit courts.

Sec. 107. LIEN OF JUDGMENTS—REGISTERED LAND.] A judgment for money
 2 of the municipal court, when the amount due thereon, exclusive of interest and
 3 costs, exceeds one thousand dollars (\$1,000), shall be a lien on the real estate of
 4 the person against whom it is obtained situated within the city of Chicago from
 5 the time the same is rendered or revived for the period of seven years and no
 6 longer: *Provided, however,* that there shall be no priority of the lien of one
 7 judgment of the municipal court over that of another rendered within the same
 8 calendar month. But no lien provided for in this or any other section of this
 9 Act shall take effect as to registered land until compliance by the person claim-

ing the benefit of such lien or by some person of or under whom he has acquired the claim constituting the lien with the provisions of the laws which may be in force from time to time relating to the registration of land titles, nor shall registered land be affected by any other provision of this Act excepting upon compliance with the said last mentioned laws. Upon the filing in the office of the clerk of the circuit court of any county in this State of a transcript of any such judgment rendered by the municipal court, such judgment shall have a like force and effect, and shall be a lien upon the real estate of the party against whom the same is obtained in such county where filed to the same extent, as if the same had been rendered upon the day on which such transcript is filed by the circuit court of the county where filed and execution may issue thereon out of the circuit court of said county in like manner as out of said municipal court: *Provided, however,* that such judgment shall not be a lien on real estate for more than the period of seven years from the time the same is rendered or revived.

Sec. 108. HOW ORDERS, JUDGMENTS AND DECREES ENFORCED.] The orders, judgments and decrees of the municipal court, excepting as may be otherwise provided by this Act, shall have the same force, be of the same effect and be executed and enforced in the same manner, as the orders, judgments and decrees of the circuit court of Cook county. In all cases executions issued on judgments of the municipal court, when against lands, tenements, goods and chattels of the defendants within the city of Chicago, shall be directed to the bailiff, or, in case he is disqualified from acting, then to the sheriff of Cook county and shall be a lien upon all the personal property of the defendants situated within the city of Chicago from the time they are delivered to the bailiff or to the sheriff, to the same extent as executions issued out of the circuit court of Cook county when delivered to the sheriff, and may be levied upon the property, real or personal, of the defendants at any place within the city

14 of Chicago to the same extent as executions issued out of the circuit court of
 15 Cook county. Executions against the lands and tenements, goods and chattels
 16 of the defendants outside of the city of Chicago shall be directed to the sheriff,
 17 or in case he is disqualified from acting, to the coroner of the county in which
 18 such lands and tenements, goods and chattels are situated, but no execution upon
 19 a judgment of the municipal court, when the amount due thereon, exclusive
 20 of interest and costs, does not exceed one thousand dollars (\$1,000), shall be a lien
 21 on the real estate of the person against whose lands and tenements, goods and
 22 chattels the same is issued until the same shall be levied thereon and a certifi-
 23 cate of such levy filed in the recorder's office of the county in which real
 24 estate is situated and, in case of registered land or any estate or interest
 25 therein, until a certified transcript of the judgment is filed in the office of the
 26 registrar of titles of the county in which such real estate is situated, and a
 27 memorial of the same is entered upon the register of the land certificate of title
 28 to be affected.

Sec. 109. JUDGMENT EXCEEDING \$25 EXCLUSIVE OF COSTS—HOW PROCEEDED
 2 UNDER.] Any judgment of the municipal court for the payment of money here-
 3 tofore or hereafter rendered, when the amount due thereon, exclusive of in-
 4 terest and costs, exceeds twenty-five dollars (\$25), may also be proceeded under
 5 in the municipal court by a supplementary proceeding, or creditor's bill, as pro-
 6 vided by law with respect to judgments of circuit courts.

Sec. 110. PETIT JURORS—HOW PROVIDED FOR AND SUMMONED—HOW PAID.] The
 2 petit jurors for the trial of cases in said municipal court shall be provided by
 3 the jury commissioners of the county of Cook in the same manner and from the
 4 same lists, as near as may be, as petit jurors are provided for the circuit, superior
 5 and criminal courts of Cook county. The names of the necessary number of petit
 6 jurors required from time to time in said municipal court shall be furnished by
 7 said jury commissioners upon demand to the clerk of the municipal court, and

8 the venires for such jurors shall be directed to and served by the sheriff of Cook
 9 county at the expense of said county, and the fees of said jurors shall be paid out
 10 of the city treasury. The number of petit jurors to be summoned from time to
 11 time shall be determined by the chief justice.

Sec. 111. JURY TRIAL TO BE DEMANDED WHEN.] Every action at law, a crim-
 2 inal action or quasi criminal action brought for the recovery of a fine or pen-
 3 alty for the violation of a municipal ordinance excepted, shall be tried by
 4 the court without a jury, unless the plaintiff at the time he commences
 5 his action, or the defendant at the time he enters his appearance, shall file with
 6 the clerk a demand in writing of a trial by jury, which demand, however, may
 7 be withdrawn by the party filing the same at any time before trial. If the de-
 8 mand be by the plaintiff it shall be embodied in and form a part of his praecipe
 9 for a summons or writ, and if it be by the defendant or garnishee, it shall be
 10 embodied in and form a part of his appearance in writing.

Sec. 112. JURY TRIAL MANDATORY IN CAPITAL AND PENITENTIARY CASES.] Every
 2 criminal action in which the punishment may be death or confinement in the peni-
 3 tentiary shall, unless the defendant shall enter a plea of guilty, be tried by jury.

Sec. 113. WAIVER OF JURY IN MISDEMEANORS AND QUASI CRIMINAL ACTIONS.]
 2 Every criminal action in which the punishment cannot be death or confinement in
 3 the penitentiary, and every quasi criminal action brought to recover a fine or
 4 penalty for the violation of a municipal ordinance, shall be tried by jury, unless
 5 the defendant shall execute and file with the clerk a waiver in writing of a trial
 6 thereof by jury, in which case such action shall be tried by the court without a
 7 jury.

Sec. 114. JURORS TO BE INTERROGATED BEFORE IMPANELING.] It shall be the
 2 duty of the chief justice of the municipal court to interrogate, or cause to be in-

3 interrogated, all jurors summoned and appearing and to inquire into, or to cause
 4 to be inquired into, their qualifications to serve as such jurors, and to reject from
 5 service all jurors who do not appear to possess the qualifications required by law
 6 and to cause to be summoned in their places, in the manner required by law, per-
 7 sons competent and qualified to serve as jurors. It shall not be necessary that
 8 there be a full panel of twenty-four petit jurors for each branch court, but the
 9 chief justice may cause to be impaneled for service in all of said branches as one
 10 panel only such number of jurors as may appear to be needed for the trial of ac-
 11 tions therein to be tried by jury, and the jurors needed, from time to time, in each
 12 branch court may be drawn from such joint panel. When the requisite number
 13 of jurors have been accepted for service, the chief justice shall cause to be pre-
 14 pared by the clerk printed or typewritten alphabetical lists of the jurors so ac-
 15 cepted for service, on which lists the name of each juror shall be followed by a
 16 specification of his age, place of birth, occupation, place of residence and place of
 17 business or employment, the place of residence and place of business or employ-
 18 ment, if in a city, to be accompanied by a specification of the street and number
 19 or other sufficient designation thereof, and upon the calling of a jury into the
 20 jury box a copy of such list shall be submitted for inspection and use during the
 21 impaneling of the jury to each party to the action.

Sec. 115. CHALLENGES OF JURORS.] Every person arraigned for any crime
 2 punishable with death or imprisonment in the penitentiary for life shall be ad-
 3 mitted on his trial to a peremptory challenge of twenty jurors and no more; and
 4 every person arraigned for any offense that may be punished by imprisonment
 5 for a term exceeding eighteen months shall be admitted to a peremptory chal-
 6 lenge of ten jurors and in all other criminal trials the defendant shall be al-
 7 lowed a peremptory challenge of six jurors. The attorney prosecuting on behalf
 8 of the people shall be admitted to a peremptory challenge of the same number of
 9 jurors that the accused is entitled to. In all actions, other than criminal actions,

each party shall be admitted to a peremptory challenge of five jurors and challenges for cause shall be allowed as heretofore.

Sec. 116. EXAMINATION OF JURORS AT TRIAL—REVIEW ON APPEAL OR ERROR.] It shall be the duty of the judge presiding at the trial of any action tried by jury to examine or cause to be examined all jurors called into the jury box with respect to their statutory qualifications to serve as petit jurors in such action and to permit the plaintiff and the defendant to propound to the jurors such pertinent questions as may be necessary for the purpose of ascertaining whether the jurors are biased or prejudiced; but upon appeal or writ of error to review any judgment in any such action tried by jury no ruling of the court pertaining to or connected with the impaneling of the jury, other than one improperly restricting the right of a party to examine the jurors as to bias or prejudice or improperly overruling a challenge by a party of a juror for bias or prejudice, shall be subject to review by the supreme court or appellate court.

Sec. 117. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, in any criminal action in which the punishment is not death or imprisonment in the penitentiary, or in any quasi-criminal action brought by a municipal corporation to recover a fine or penalty for a violation of a municipal ordinance, it shall appear that the defendant is the head of a family residing with the same in the city of Chicago and that such defendant is a poor person who is not able to give bail, it shall be the duty of the court to accept of such defendant, in lieu of bail, his own recognizance; or when, in any such case, the defendant has a known place of residence in the city of Chicago, and it appears probable to the court that the defendant, if released upon his own recognizance, will appear at such time or times as may be required by the court, it shall be the duty of the court to accept of such defendant, in lieu of bail, his own recognizance. Any defendant who, when released upon his own recognizance as aforesaid, shall fail to appear before the court at the time or times required by such recognizance, shall

15 be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be pun-
 16 ished by a fine not exceeding five hundred dollars (\$500), or by imprisonment
 17 in the county jail for not exceeding six months: *Provided, however, that no de-*
 18 fendant shall be punished as aforesaid when his failure to appear is for a cause
 19 which would authorize the court to set aside a forfeiture of his recognizance.
 20 But no defendant shall be released upon his own recognizance under this section
 21 when, at the time of his arrest, he shall be in a state of intoxication, or when
 22 his release may, in the judgment of the court or officer, result in a breach of the
 23 peace.

Sec. 118. PROCEDURE IN EXAMINATION PROCEEDINGS.] When in any examina-
 2 tion proceeding it appears to the court that an offense has been committed and
 3 that there is probable cause to believe the prisoner guilty, the court may either
 4 enter an order committing the prisoner to the criminal court of Cook county for
 5 trial, or may direct the filing by the state's attorney of an information against
 6 such prisoner for such offense, and it shall thereupon be the duty of the state's
 7 attorney to forthwith file such information.

Sec. 119. JUDGE PRESIDING AT EXAMINATION NOT TO PRESIDE AT TRIAL WHEN.]
 2 No judge who has presided at an examination proceeding at which the accused
 3 person has been committed for trial, or which has resulted in the filing of an in-
 4 formation against such person, shall, against the objection of such person, preside
 5 at the trial of such information.

Sec. 120. FILES AND RECORDS.] The method of keeping the files and records
 2 of the municipal court shall be the same, as near as may be, as that prescribed
 3 from time to time by law, or by rules adopted by the supreme court, for the keep-
 4 ing of files and records of circuit courts.

Sec. 121. APPELLATE PROCEDURE.] The orders, judgments and decrees of the
 2 municipal court may be reviewed by the supreme court and the appellate courts

3 in the same manner and to the same extent as may be provided by law with re-
 4 spect to similar orders, judgments and decrees of city courts, or, in the ab-
 5 sence of any provision of law applicable thereto, in such manner and to such
 6 extent as may be provided by rules adopted by the supreme court.

Sec. 122. ADOPTION OF RULES OF PRACTICE.] The judges of said municipal

2 court shall have power to adopt, in addition to the provisions herein contained
 3 prescribing the practice in such court, such rules regulating the practice in said
 4 court as they may deem necessary or expedient for the proper administration of
 5 justice therein and as may not be inconsistent with the provisions of this act.
 6 The adoption of such rules shall be accomplished by an order or orders signed
 7 by a majority of said judges, which order or orders when made shall be forthwith
 8 spread upon the records of the municipal court and shall be printed in pamphlet
 9 form at the expense of the city. The supreme court shall have power, in its dis-
 10 cretion, to substitute for the rule or rules so adopted by said judges of said mu-
 11 nicipal court, or for any portion thereof, such other rules as the supreme court
 12 may deem necessary and may, in its discretion, of its own motion or otherwise,
 13 make any order respecting the rules of said municipal court which it may deem
 14 proper. The supreme court and the appellate court, in cases brought to them
 15 from the municipal court by appeal or writ of error, shall take judicial notice of
 16 the rules of practice from time to time in force in said municipal court.

Sec. 123. PRACTICE WHEN METHOD OF PROCEDURE INSUFFICIENTLY PRESCRIBED.]

2 Whenever the proper method of procedure in any action or proceeding brought
 3 in the municipal court shall appear to be insufficiently prescribed by this act the
 4 method of procedure heretofore applicable in such action or proceeding shall be
 5 applied, as near as may be, consistently with the provisions of this act and the
 6 spirit thereof, until otherwise prescribed by law or by such rules as may be adopt-
 7 ed by the supreme court. Whenever it is brought to the attention of the supreme
 8 court that the method of procedure, or any portion of the method of procedure,

9 in the municipal court in any action or proceeding which may be brought in said
10 municipal court, is not sufficiently prescribed by this act and that the methods of
11 procedure, or any portion thereof, heretofore applicable to such action or pro-
12 ceeding are not suitable to secure to the respective parties a prompt and expe-
13 ditionous determination of said action or proceeding according to the very right
14 and justice of the case, the supreme court shall have power to adopt such rule or
15 rules regulating the method of procedure in such action or proceeding as, in the
16 opinion of the supreme court, will be calculated to secure to the parties such
17 prompt and expeditious and proper determination of the action or proceeding,
18 and, whenever it shall appear to the supreme court that any provision of this act
19 regulating the practice in said municipal court is not sufficiently explicit or is
20 obscure or in contradiction to other provisions of this act, or that the same can-
21 not be given effect without serious injustice and inconvenience to parties to ac-
22 tions, the supreme court may, by a rule or rules to be adopted by said supreme
23 court, substitute for such provision such new provision as, in its judgment, will
24 not be obscure or in contradiction to other provisions of this act, or unjust or in-
25 convenient to the parties to actions, and will be in harmony with the general
26 spirit and intention of this act.

Sec. 124. CERTIFYING QUESTIONS TO SUPREME COURT—FORM OF CERTIFICATE.]

2 Whenever any question shall arise in the municipal court in respect to the
3 construction of this act, or any portion thereof, or any question pertaining to
4 the practice or mode of procedure in said court, or to the powers or duties of the
5 judges or other officers of said court, with respect to which question the judges
6 of said court differ in opinion, it shall be the duty of the chief justice to certify
7 such question to the supreme court, and it shall thereupon be the duty of the
8 supreme court to determine such question with all convenient speed and to cause
9 its decision to be certified to said chief justice. Whenever the chief justice
10 shall certify any such question to the supreme court he shall accompany his

15 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

19 CERTIFICATE OF QUESTION.

I, John Jones, chief justice of the municipal court of Chicago, Illinois, do hereby certify that there has arisen a question respecting which the judges of said municipal court differ in opinion, which question is as follows:

25 Dated Chicago, Illinois, this 17th day of February, 1908.

Sec. 125. PRIMARY PURPOSES OF ESTABLISHMENT OF MUNICIPAL COURT—DUTY OF

2 SUPREME COURT.] The primary purpose of the establishment of the municipal
3 court is to secure the prompt and proper determination of civil actions in
4 which the sum or value in controversy does not exceed five hundred dollars
5 (\$500), actions of forcible detainer, actions brought to recover fines or penalties
6 for the violation of municipal ordinances, criminal actions, peace proceed-
7 ings, search warrant proceedings and examination proceedings, and the
8 time devoted by said court to the exercise of its jurisdiction in cases other
9 than those hereinbefore in this section particularly specified shall be such only as
10 may be so devoted without interference with the accomplishment of its primary
11 purpose as above declared. It shall be the duty of the supreme court to enforce
12 strict compliance by the municipal court with the provisions of this section.

Sec. 126. SUPREME COURT TO EXERCISE SUPERINTENDENCE—ANNUAL INVESTIGA-

2 TION.] The supreme court shall have power and it shall be its duty to exercise
3 a general superintendence over said municipal court and over the judges and of-
4 ficers thereof in respect to the management of the business of said court and
5 the discharge by said judges and officers of the duties of their respective offices.
6 Whenever it shall come to the knowledge of the supreme court that the judges
7 or officers of said municipal court, or any one or more of them, are exceeding their
8 powers or are proceeding irregularly in the exercise of their powers or in the
9 performance of their duties, it shall be the duty of the supreme court, and the
10 supreme court shall have full power, to make and enforce any order which the
11 court may deem necessary to correct such excess or irregularity. It shall also
12 be the duty of the supreme court to cause to be made, at least once in each year,
13 and by such agents as the supreme court may select for that purpose, a thorough
14 investigation into the administration of justice in said municipal court and into
15 the management of the business thereof. The agents so selected shall have
16 power, subject to the supervision of the supreme court, to summon witnesses,
17 compel their attendance, administer oaths to them and require them to testify,
18 and, upon the conclusion of such investigation, shall make report, in writing, of
19 the same and of the result thereof, together with the evidence taken by them, to
20 the supreme court, and thereupon the supreme court shall take such action with
21 respect thereto as the court may deem advisable. The agents so appointed shall
22 receive for their services such compensation as the supreme court may deem just
23 and reasonable and the same, together with all other expenses of such investi-
24 gation, and report, which may be allowed by the court, shall be paid out of the
25 city treasury of the city of Chicago upon the certificate of the chief justice of
26 the supreme court.

DIVISION X.

COSTS.

SECTION

127. Plaintiff's costs to clerk in civil actions not otherwise provided for when jury not demanded.
128. Plaintiff's additional costs when jury demanded.
129. Transferred cases.
130. Clerk's cost for execution.
131. Clerk's costs for supplementary proceedings.
132. Defendant's clerk's costs when jury not demanded.
133. Defendant's additional clerk's costs when jury demanded.
134. Clerk's fees on change of venue.
135. Additional costs of trial by jury.
136. Costs to be paid by defendant or group of defendants entering separate appearances.
137. Costs of parties to intervention.
138. Additional costs of trial or hearing by court.
139. Clerk's fees in criminal actions.
140. Clerk's fees in municipal ordinance actions.
141. Clerk's fees in other quasi-criminal actions.
142. Clerk's fees in bastardy actions.
143. Clerk's fees in recognizance actions.
144. Fees for acknowledgment of chattel mortgages, etc.
145. Clerk's fees for special services.
146. Bailiff's fees.
147. Clerk and bailiff to pay over fees—auditing of accounts.
148. Fees of stenographic and typewriting department.
149. Use to be made of original and carbon copies.
150. Fees of witnesses.
151. How witnesses' fees paid.

SECTION

152. People, municipal corporations, etc., not to pay costs.
153. When advance costs not required of defendant—judgment for costs.
154. When defendant entitled to repayment.
155. Costs remitted, when.
157. Plaintiff's taxable costs for preparing papers.
157. Plaintiff's taxable costs for preparing and serving copies.
158. Defendant's taxable costs for preparing papers.
159. Defendant's taxable costs for preparing and serving copies.
160. Party's stenographer's fees.
161. Costs for preparing report of proceedings.
162. Costs for serving summons, etc., by person not officer.
163. Costs of garnishee.
164. Security for costs—form.
165. Signing and effect of security.
166. Failure to file security—right to security not waived.
167. Cash deposit in lieu of security—form of certificate.
168. Party becoming non-resident.
169. Successful party to recover costs—exceptions.
170. Party to file bill of costs—verification form of bill of costs.
171. Clerk to tax costs according to bill—exceptions.
172. Application to court.
173. Retaxing costs.
174. Amount of costs not to be specified in judgment, etc.
175. Costs not recoverable by opposite party—how collected.
176. Poor persons.

Sec. 127. PLAINTIFF'S COSTS TO CLERK IN CIVIL ACTIONS NOT OTHERWISE PRO-

VIDED FOR WHEN JURY NOT DEMANDED.] The costs to be paid by the plaintiff to the clerk of the municipal court in a civil action or proceeding not hereinafter otherwise expressly provided for, including an action for the confession of a judgment, when the plaintiff does not file with the clerk a demand in writing of a trial by jury, which costs, excepting as may be hereinafter otherwise provided, shall be payable at the time of the commencement of the action and shall be in full for all services to be rendered by said clerk for the plaintiff, other than services for which special provision is made by this Act, shall be as follows:

First—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every action at law for the recovery of money or personal property, or both, when the amount in money or property, or both, claimed by the plaintiff does not exceed one hundred dollars (\$100), the sum of two dollars (\$2); when the amount in money or property, or both, claimed by the plaintiff exceeds one hundred dollars (\$100), but does not exceed two hundred dollars (\$200), the sum of three dollars (\$3); when the amount in money or property, or both, claimed by the plaintiff exceeds two hundred dollars (\$200), but does not exceed one thousand dollars (\$1000), the sum of five dollars (\$5); and when the amount in money or property, or both, claimed by the plaintiff exceeds one thousand dollars (\$1000), the sum of eight dollars (\$8).

Second—FORCIBLE DETAINER.] In every action of forcible detainer the sum of three dollars (\$3): *Provided, however,* that when, in any such action, the plaintiff unites with his claim for possession of the property any claim for rent or damages, he shall pay the further sum of one dollar (\$1) when the amount claimed for rent or damages does not exceed one hundred dollars (\$100), or the further sum of two dollars (\$2) when the amount claimed for rent or damages exceeds one hundred dollars (\$100) but does not exceed two hundred dollars (\$200), or the further sum of four dollars (\$4) when the amount claimed for rent

or damages exceeds two hundred dollars (\$200) but does not exceed one thousand dollars (\$1000), or the further sum of six dollars (\$6) when the amount claimed for rent or damages exceeds one thousand dollars (\$1000).

Third—ACTIONS IN EQUITY.] In every action in equity the sum of fifteen dollars (\$15).


Fourth—AMENDMENT CHANGING AMOUNT OF CLAIM, ETC.] Whenever, after the commencement of an action, any amendment is made to the plaintiff's claim, bill, petition or other paper, by reason of which the amount of his claim is increased beyond the amount claimed at the time of the commencement of his action, he shall, at the time of filing such amendment, pay such additional costs as he would have been required to pay and, in addition thereto such additional costs as the respective defendants who have entered their appearances would have been required to pay, as hereinafter provided, at the time of entering their appearances, had such amendment been made at the time of the commencement of the action.

Sec. 128. PLAINTIFF'S ADDITIONAL CLERK'S COSTS WHEN JURY DEMANDED.] The plaintiff, at the time of commencing any action or proceeding mentioned in the preceding section, if he files with the clerk of the municipal court a demand in writing of a trial by jury, shall pay to the clerk, over and above the respective sums provided for in the preceding section, the sum of six dollars (\$6).

Sec. 129. TRANSFERRED CASES.] The party filing in the municipal court the transcript in an action or proceeding transferred to said municipal court by another court of competent jurisdiction by change of venue or otherwise, shall, at the time of the filing of said transcript with the clerk, pay to the clerk in full for all services to be rendered by said clerk for the parties, other than services for which special provision is made by this Act, one-half the costs required to be paid by the plaintiff at the time of the commencement of the action and by the defendant at the time of entering his appearance in a similar case in the circuit court of Cook county.

Sec. 130. CLERK'S COSTS FOR EXECUTION.] The costs to be paid to the clerk
 2 of the municipal court at the time of suing out any writ of execution, writ of
 3 retorno habendo, writ of possession, writ of restitution, writ of assistance or
 4 other writ for the enforcement of any order, judgment or decree, by the party
 5 suing out the same, shall be the sum of one dollar (\$1), but no costs shall be pay-
 6 able for the issuance of any alias or pluries execution or other alias or pluries
 7 writ aforesaid, nor for the issuance of any execution upon a judgment for money
 8 when the amount of the judgment, exclusive of interest and costs, does not ex-
 9 ceed one hundred dollars (\$100).

Sec. 131. CLERK'S COSTS FOR SUPPLEMENTARY PROCEEDING.] The costs to be
 2 paid to the clerk of the municipal court at the time of instituting any supple-
 3 mentary proceeding provided for by this Act for the collection of any judgment
 4 for money, by the party instituting the same, shall be the sum of one dollar (\$1)
 5 when the amount of the judgment does not exceed one hundred dollars (\$100);
 6 the sum of two dollars (\$2) when the amount of the judgment exceeds one hun-
 7 dred dollars (\$100), but does not exceed five hundred dollars (\$500); the sum
 8 of three dollars (\$3) when the amount of the judgment exceeds five hundred
 9 dollars (\$500), but does not exceed one thousand dollars (\$1,000); and the sum
 10 of six dollars (\$6) when the amount of the judgment exceeds one thousand dol-
 11 lars (\$1,000).

Sec. 132. DEFENDANT'S CLERK'S COSTS WHEN JURY NOT DEMANDED.] The costs
 2 to be paid by the defendant to the clerk of the municipal court at the time of
 3 entering his appearance in any action referred to in either of the five preceding
 4 sections, when the defendant does not file with the clerk a demand in writing of
 5 a trial by jury, which costs shall be in full for all services to be rendered by
 6 said clerk for the defendant, other than services for which special provision is
 7 made by this act, shall be as follows: 

8 *First*—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every
 9 action at law for the recovery of money or personal property, or both, when the
 10 amount in money or property, or both, claimed by the plaintiff does not exceed
 11 one hundred dollars (\$100), the sum of fifty (50) cents; when the amount in
 12 money or property, or both, claimed by the plaintiff exceeds one hundred dollars
 13 (\$100), but does not exceed two hundred dollars (\$200), the sum of one dollar
 14 (\$1); when the amount in money or property, or both, claimed by the plaintiff
 15 exceeds two hundred dollars (\$200), but does not exceed five hundred dollars
 16 (\$500), the sum of two dollars (\$2); when the amount in money or property, or
 17 both, claimed by the plaintiff exceeds five hundred dollars (\$500), but does not
 18 exceed one thousand dollars (\$1,000), the sum of three dollars (\$3); and when
 19 the amount in money or property, or both, claimed by the plaintiff exceeds one
 20 thousand dollars (\$1,000), the sum of five dollars (\$5).

21 *Second*—FORCIBLE DETAINER.] In every action of forcible detainer the sum
 22 of one dollar (\$1): *Provided, however,* that when, in any such action, the plain-
 23 tiff unites with his claim for possession of the property any claim for rent or
 24 damages the defendant shall pay an additional sum, which shall be fifty (50)
 25 cents, when the amount claimed for rent or damages does not exceed one hun-
 26 dred dollars (\$100), one dollar (\$1) when the amount claimed for rent or dam-
 27 ages exceeds one hundred dollars (\$100), but does not exceed two hundred dollars
 28 (\$200), or two dollars (\$2) when the amount claimed for rent or damages ex-
 29 ceeds two hundred dollars (\$200), but does not exceed one thousand dollars
 30 (\$1,000), or four dollars (\$4) when the amount claimed for rent or damages ex-
 31 ceeds one thousand dollars (\$1,000).

32 *Third*—ACTION IN EQUITY.] In every action in equity the sum of five dol-
 33 lars (\$5).

Sec. 133. DEFENDANT'S ADDITIONAL CLERK'S COSTS WHEN JURY DEMANDED.]

2 The defendant, at the time of entering his appearance in the municipal court in

3 any action or proceeding mentioned in the preceding section, if he files with the
 4 clerk a demand in writing of a trial by jury, shall pay to the clerk, over and
 5 above the respective sums provided for in the preceding section, the sum of six
 6 dollars (\$6).

Sec. 134. CLERK'S FEES ON CHANGE OF VENUE.] The party obtaining an or-
 2 der for a change of venue from the municipal court to another court in a civil or
 3 quasi criminal action shall, at the time of obtaining such order, pay to the clerk
 4 of the municipal court the sum of five dollars (\$5), of which sum two dollars
 5 (\$2) shall be retained by such clerk as his fees for authenticating and transmit-
 6 ting the record of the action and the remaining three dollars (\$3) of said sum
 7 shall be transmitted by him to the clerk of the court to which the change is
 8 made as the costs of such clerk, which costs shall be in full for all services to be
 9 rendered by said clerk for the parties to said action other than services for
 10 which special provision is made by this act. When a change of venue is granted
 11 to another court by the court of its own motion, no costs shall be payable by
 12 either party on account thereof, but the clerk of the municipal court shall forth-
 13 with prepare the authenticated record and transmit the same to the court to which
 14 the change of venue is taken and the same shall be there filed.

Sec. 135. ADDITIONAL COSTS OF TRIAL BY JURY.] If the trial in the municipal
 2 court of any action or proceeding in which either party has filed a demand in
 3 writing of a trial by jury and which is tried by jury shall occupy more than one
 4 full day, the clerk shall tax as costs against the unsuccessful party, or against
 5 the party against whom the costs of the action are to be taxed, the sum of six
 6 dollars (\$6) for each day or fractional day in addition to the first day occupied
 7 by such trial, exclusive of the time occupied by the jury in deliberating on their
 8 verdict: *Provided, however,* that when the trial of any such action is unduly
 9 protracted through the fault of the successful party the court may, in its discre-
 10 tion, require such portion of the amount required to be paid as aforesaid for the

11 time occupied in the trial by the jury as the court may deem reasonable and
 12 just to be taxed against the successful party and the same shall be taxed accord-
 13 ingly.

Sec. 136. COSTS TO BE PAID BY DEFENDANT OR GROUP OF DEFENDANTS ENTERING

2 SEPARATE APPEARANCES.] The costs hereinbefore provided to be paid by the de-
 3 fendant at the time of entering his appearance, when the action or proceeding is
 4 one where there are several defendants, shall be paid by each defendant, or
 5 group of defendants, who may enter a separate appearance or separate appear-
 6 ances.

Sec. 137. COSTS OF PARTIES TO INTERVENTION.] The costs to be paid by an in-

2 tervener to the clerk of the municipal court in any action at the time he files his
 3 intervener's claim, bill of intervention or petition, shall be the same as he
 4 would be required to pay if such claim, bill or petition were the claim, bill or
 5 petition of a plaintiff in an original action and such costs shall be in full for all
 6 services to be rendered by said clerk for the intervener, other than services for
 7 which special provision is made by this act; and when, by any bill of interven-
 8 tion in an action in equity, any person is made a defendant thereto who was not
 9 a party to the action prior thereto, or who, being prior thereto a party to the
 10 action, did not enter his appearance therein, such defendant, at the time of en-
 11 tering his appearance as a defendant to said bill of intervention, shall pay the
 12 same costs he would be required to pay if he entered his appearance as a de-
 13 fendant in an original action brought by said intervener upon the same cause of
 14 action.

Sec. 138. ADDITIONAL COSTS OF TRIAL OR HEARING BY COURT.] Whenever the

2 trial or hearing of any action in the municipal court tried or heard by the court
 3 without a jury shall occupy more than one day's time there shall be taxed as
 4 costs against the unsuccessful party, or against the party against whom the costs

of the action are to be taxed, the sum of three dollars (\$3) for each day or fractional day in addition to such first day occupied by such trial: *Provided, however,* that when the trial or hearing of any such action is unduly protracted through the fault of the successful party the court may, in its discretion, require such portion of the costs, as the court may deem reasonable, to be taxed against the successful party and the same shall be taxed accordingly. A trial or hearing within the meaning of the provisions of this act relating to costs shall include not only a final trial of an action at law or a final hearing in equity but also a hearing upon any contested motion in any action at law or in equity. Five hours shall constitute a full day within the meaning of this act excepting when otherwise expressly provided.

Sec. 139. CLERK'S FEES IN CRIMINAL ACTIONS.] The clerk's fees in the municipal court in criminal actions, which fees shall be in full for all services to be rendered by said clerk for both parties, other than services for which special provision is made by this act, shall be as follows:

First—CAPITAL CASE.] In every capital case when the defendant enters a plea of guilty, twenty-five dollars (\$25); when the defendant is convicted after a trial by jury, fifty dollars (\$50).

Second—FELONY OTHER THAN CAPITAL.] In every felony case, other than a capital case, when the defendant pleads guilty, twenty dollars (\$20); when the defendant is convicted after a trial by jury, forty dollars (\$40).

Third—CONSPIRACY.] In every conspiracy case, when the defendant pleads guilty, twenty dollars (\$20); when the defendant is convicted after a trial by jury, forty dollars (\$40).

Fourth—MISDEMEANOR.] In every case in which the punishment is not death or confinement in the penitentiary, when the defendant pleads guilty, three dollars (\$3); when the defendant is convicted after a trial by the court, six dollars (\$6); when the defendant is convicted after a trial by jury, fifteen dollars (\$15):

18 *Provided, however,* that in any action in which the defendant pleads guilty or is
 19 convicted after a trial by the court and the fine imposed by the court, when the
 20 punishment is by fine only, does not exceed twenty-five dollars (\$25), the clerk's
 21 costs taxed against the defendant shall not exceed one dollar (\$1).

22 *Fifth—ADDITIONAL FEES IN JURY TRIALS.]* In every case in which the defend-
 23 ant is convicted after a trial by jury which occupies more than one day the clerk's
 24 fees, in addition to those above in this section provided for, shall be twelve dol-
 25 lars (\$12) for each day or fractional day occupied by the trial over and above the
 26 first day thereof, exclusive of the time occupied by the jury in deliberating upon
 27 their verdict.

Sec. 140. CLERK'S FEES IN MUNICIPAL ORDINANCE ACTIONS.] The clerk's fees
 2 in the municipal court in quasi criminal actions to recover fines or penalties for
 3 the violation of municipal ordinances, which fees shall be in full for all services
 4 to be rendered by said clerk for both parties, other than services for which spe-
 5 cial provision is made by this act, shall be as follows:

6 *First—PLEA OF GUILTY—TRIAL BY COURT—TRIAL BY JURY—LIMITATION.]* In
 7 every case when the defendant is defaulted or pleads guilty, three dollars (\$3);
 8 when the defendant is convicted after a trial by the court, six dollars (\$6); when
 9 the defendant is convicted after a trial by jury, fifteen dollars (\$15): *Provided,*
 10 *however,* that in any action in which the defendant pleads guilty or is convicted
 11 after a trial by the court and the fine imposed by the court does not exceed twen-
 12 ty-five dollars (\$25), the clerk's costs taxed against the defendant shall not ex-
 13 ceed one dollar (\$1).

14 *Second—WHEN TRIAL BY JURY EXCEEDS ONE DAY.]* In every case in which the
 15 defendant is convicted after a trial by jury which occupies more than one day
 16 the clerk's fees, in addition to those above in this section provided for, shall be
 17 twelve dollars (\$12) for each day or fractional day occupied by the trial over and

18 above the first day thereof, exclusive of the time occupied by the jury in deliberat
19 ing upon their verdict.

Sec. 141. CLERK'S FEES IN OTHER QUASI CRIMINAL ACTIONS.] The clerk's fees
2 in the municipal court in quasi criminal actions instituted by the People of the
3 State of Illinois, or in the name of any State, county or municipal officer in his
4 official capacity, which fees shall be in full for all services to be rendered by said
5 clerk for both parties, other than services for which special provision is made
6 by this act, shall be as follows:

7 *First*—PLEA OF GUILTY—TRIAL BY COURT—TRIAL BY JURY.] In every case
8 when judgment is rendered against the defendant by default or upon a plea of
9 guilty, or other admission of liability, three dollars (\$3); when judgment is ren-
10 dered against the defendant after a trial by the court, six dollars (\$6); when
11 judgment is rendered against the defendant after a trial by jury, fifteen dollars
12 (\$15): *Provided, however*, that in any action in which a defendant pleads guilty
13 or is convicted after a trial by the court and the fine imposed by the court does
14 not exceed twenty-five dollars (\$25), the clerk's costs taxed against the defend-
15 ant shall not exceed one dollar (\$1).

16 *Second*—WHEN TRIAL BY JURY EXCEEDS ONE DAY.] In every case in which
17 judgment is rendered against the defendant after a trial by jury which occupies
18 more than one day the clerk's fees, in addition to those above in this section pro-
19 vided for, shall be twelve dollars for each day or fractional day occupied by the
20 trial, over and above the first day thereof, exclusive of the time occupied by the
21 jury in deliberating upon their verdict.

Sec. 142. CLERK'S FEES IN BASTARDY ACTIONS.] The clerk's fees in the mu-
2 nicipal court in bastardy actions shall be as follows:

3 *First*—WITHOUT TRIAL BY JURY.] When the action is disposed of without a
4 trial by jury, six dollars (\$6).

5 *Second*—TRIAL BY JURY.] When the action is disposed of after a trial by
6 jury, twelve dollars (\$12), and an additional twelve dollars (\$12) for each day
7 or fractional day occupied by the trial over and above the first day thereof.

Sec. 143. CLERK'S FEES IN RECOGNIZANCE ACTIONS.] The clerk's fees in a
2 court of record of original jurisdiction in actions on recognizances shall be as
3 follows:

4 *First*—WITHOUT TRIAL BY JURY.] When the action is disposed of without a
5 trial by jury, the sum of eight dollars (\$8).

6 *Second*—WITH TRIAL BY JURY.] When the action is disposed of after a trial
7 by jury, twelve dollars (\$12) and an additional twelve dollars (\$12) for each day
8 or fractional day occupied by the trial over and above the first day thereof.

Sec. 144. FEES FOR ACKNOWLEDGMENT OF CHATTEL MORTGAGES, ETC.] The clerk
2 and each deputy clerk shall collect for the acknowledgment and entering of
3 memoranda of chattel mortgages and for the acknowledgment of other written
4 instruments the same fees allowed by law to justices of the peace in Cook
5 county for similar services.

Sec. 145. CLERK'S FEES FOR SPECIAL SERVICES.] The fees of the clerk of the
2 municipal court for services not included within those mentioned in the twenty-
3 three preceding sections shall be as follows:

4 *First*—CERTIFIED COPY OF ENTRIES IN REGISTER AND MINUTE BOOK.] For mak-
5 ing and mailing, postage prepaid, or otherwise delivering to any attorney at law
6 authorized to practice in the courts of record in this State and resident therein a
7 certified copy of the entries in the register and minute book in any action or pro-
8 ceeding in said court fifty (50) cents, and an additional fifty (50) cents
9 when the same is accompanied with a certified copy of a final order, judg-
10 ment or decree written out in full in such action or proceeding. Any such
11 certified copy of the entries in a register and minute book shall be received in

all courts of this State as competent evidence of all orders entered in the action or proceeding in which they purport to be entered, when the abbreviated forms thereof are sufficient to enable the court to understand the meaning and legal effect thereof and also as competent evidence of the filing of all papers and the issuance and return of all writs minuted therein, to the same extent as if such entries were written out in full.

Second—CERTIFIED COPY OF PAPER OR RECORD FOR ATTORNEY.] For making for an attorney at law authorized to practice in the courts of record in this State and resident therein, a typewritten copy of any paper, record or portion thereof in any action, whether pending or determined in said court, and certifying the same, for each one hundred (100) words four (4) cents and for comparing and certifying any such copy when the same has not been made by the clerk, for each one hundred (100) words, two (2) cents.

Third—CERTIFIED COPY OF PAPER OR RECORD FOR PERSON NOT ATTORNEY.] For making and certifying a complete typewritten copy of the record in any action, or for making and certifying copies of portions of records or copies of any paper not otherwise provided for by this section, for any person requiring the same, other than an attorney at law authorized to practice in the courts of this State and resident therein, for each one hundred (100) words, eight (8) cents.

Fourth—AUTHENTICATED RECORD FOR APPEAL, ETC.] For preparing and certifying the authenticated record for the purpose of an appeal to or writ of error from the supreme court or an appellate court, three dollars (\$3).

Fifth—CHANGE OF VENUE.] For preparing and transmitting to the clerk of the proper court the record of an action in a case of change of venue, two dollars (\$2).

Sec. 146. BAILIFF'S FEES.] The costs to be paid the bailiff for services rendered by him, or to any other officer authorized to render and rendering such services, in actions and proceedings in the municipal court, which costs, except-

ing as is otherwise hereinafter expressly provided, are to be paid in advance by the party at whose instance the services are rendered, shall be as follows:

First—SERVING SUMMONS, ETC.] For serving any summons, subpoena, garnishee summons, citation, order of court, writ of attachment, writ of replevin, writ of possession, writ of restitution, writ of assistance, writ of ejectment or writ of execution, the sum of one dollar (\$1) for each person served.

Second—EXECUTION CAPIAS.] For executing each capias or warrant one dollar and fifty cents (\$1.50) for each person arrested under such capias.

Third—LEVYING WRIT, ETC.] For levying each writ of attachment or writ of execution and taking property under each writ of replevin, one dollar (\$1).

Fourth—WRIT OF POSSESSION, ETC.] For executing each writ of possession, restitution, assistance or ejectment without aid, one dollar (\$1), and, when aid is necessary, the actual costs thereof.

Fifth—EXECUTING ORDER TO SEIZE PROPERTY.] For executing an order of court to seize personal property, one dollar (\$1).

Sixth—OTHER COSTS.] For other services than those hereinbefore in this section specified the same costs which may be from time to time allowed by law to sheriffs in counties of the third class: *Provided, however*, that no mileage shall be allowed to the bailiff in any case, and that no costs for the service or return of any alias writ shall be chargeable, when the costs above provided for the original writ have been paid.

Sec. 147. CLERK AND BAILIFF TO PAY OVER FEES—AUDITING OF ACCOUNTS.] The clerk and the bailiff shall pay over respectively to the city of Chicago all fees and costs collected by them in each month on or before the tenth day of the following month and the clerk and the bailiff shall be held personally responsible for all costs required to be paid to them in advance as hereinbefore provided. The clerk and the bailiff shall be required to keep complete and accurate accounts of all moneys collected by them and by their respective deputies and

such accounts shall, under the direction of the chief justice of said municipal court, be examined and audited monthly, the expense thereof to be paid by the city.

Sec. 148. FEES OF STENOGRAPHIC AND TYPE-WRITING DEPARTMENT.] The fees

to be paid for services rendered by the stenographic and type-writing department organized as provided by this act shall, excepting as may be otherwise provided by this act, be as follows:

First—FEES FOR ATTENDANCE IN OTHER THAN CRIMINAL ACTIONS.] For each half day's attendance or fractional half day's attendance of a court stenographer in court for the purpose of taking stenographic notes of the proceedings in any action other than a criminal action, one dollar (\$1), the same, unless the court shall otherwise direct, to be taxed as costs against the unsuccessful party in such action, or, in case of an apportionment of costs, against the respective parties therein in accordance with such apportionment, and, when collected, to be disposed of as provided in this act.

Second—FEES FOR ATTENDANCE IN CRIMINAL ACTIONS.] For each half day's attendance or fractional half day's attendance of a court stenographer in court for the purpose of taking stenographic notes of the proceedings in a criminal action when the same is tried by jury, three dollars (\$3), the same to be taxed against the defendant in case of his final conviction only.

Third—ATTENDANCE UPON AND WORK FOR ATTORNEY.] For attendance upon any attorney at law authorized to practice in the courts of record of this State and resident therein for the purpose of taking stenographic notes of matter dictated, or for taking down upon a typewriter matter dictated, for each full hour fifty (50) cents, and for transcribing from stenographic notes and furnishing the original and two carbon copies thereof, four (4) cents for each one hundred (100) words of the original copy thereof, and when more than two (2) carbon copies are required an additional charge shall be made at the rate of two (2) cents

26 for each one hundred (100) words of each additional carbon copy; and for fur-
 27 nishing the original and two (2) carbon copies of matter dictated and taken
 28 down directly upon the typewriter two (2) cents for each one hundred (100)
 29 words of the original copy thereof, and, when more than two (2) carbon copies
 30 are required, an additional charge shall be made at the rate of one (1) cent for
 31 each one hundred (100) words of each additional carbon copy.

32 *Fourth*—MAKING TYPEWRITTEN COPIES.] For making a typewritten copy of
 33 any record entry or paper filed in any action or proceeding in the municipal
 34 court, or of any paper to be used therein, for any attorney at law authorized to
 35 practice in the courts of record in this State and resident therein, for each one
 36 hundred (100) words thereof three (3) cents and for each carbon copy thereof
 37 one (1) cent for each one hundred (100) words thereof.

38 *Fifth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER THAN CRIMINAL AC-
 39 TIONS.] For transcribing from stenographic notes depositions to be used in
 40 courts of this State, proceedings before a master of the municipal court or a
 41 master in chancery, or proceedings in court, other than in criminal actions, and
 42 furnishing the original and two carbon copies thereof, the same to be paid, in
 43 the first instance, by the party ordering the transcribing thereof, six (6) cents
 44 for each one hundred (100) words of the original copy thereof, and, when more
 45 than two (2) carbon copies are furnished an additional charge shall be made at
 46 the rate of two (2) cents for each one hundred (100) words of each additional
 47 copy.

48 *Sixth*—TAKING DOWN PROCEEDINGS BEFORE MASTER, ETC., AND FURNISHING
 49 COPIES.] For taking down directly upon a typewriter proceedings before a
 50 master of the municipal court or a master in chancery, or depo-
 51 sitions to be used in any action or proceeding in any court of this
 52 State, and furnishing the original of the matter so taken down and two (2) car-
 53 bon copies thereof, the same to be paid, in the first instance, by the party in
 54 whose behalf the same is taken down, five (5) cents for each one hundred (100)

55 words of the original copy thereof, and, when more than two (2) carbon copies
 56 are furnished, an additional charge shall be made at the rate of two (2) cents for
 57 each one hundred (100) words of each additional carbon copy.

58 *Seventh*—TAKING DOWN, ETC., DEPOSITIONS TO BE USED IN COURTS OTHER THAN
 59 THOSE OF THIS STATE.] For taking down stenographically or directly upon a
 60 typewriter depositions to be used in any court other than a court of this State,
 61 for each hour or fractional hour fifty (50) cents and for transcribing from sten-
 62 ographic notes and furnishing the original and two (2) carbon copies thereof, six
 63 (6) cents for each one hundred (100) words of the original thereof, and, when
 64 more than two (2) carbon copies are required, an additional charge shall be made
 65 at the rate of two (2) cents for each one hundred (100) words of each additional
 66 carbon copy thereof, and for furnishing the original and two (2) carbon copies of
 67 matter dictated and taken down directly upon the typewriter, five (5) cents for
 68 each one hundred (100) words of the original copy thereof, and, when more than
 69 two (2) carbon copies are required, an additional charge shall be made at the
 70 rate of two (2) cents for each one hundred (100) words of each additional carbon
 71 copy.

72 *Eighth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN CRIMINAL CASES PUNISH-
 73 ABLE BY DEATH OR CONFINEMENT IN THE PENITENTIARY.] For transcribing from
 74 stenographic notes proceedings in court in criminal actions in which the punish-
 75 ment may be death or confinement in the penitentiary, and furnishing the original
 76 to the presiding judge, one carbon copy to the state's attorney and one carbon
 77 copy to the defendant, ten (10) cents for each one hundred (100) words of the
 78 original copy thereof, and when more than two (2) carbon copies are furnished
 79 an additional charge shall be made at the rate of three (3) cents for each one
 80 hundred (100) words of each additional carbon copy. In every such criminal ac-
 81 tion, whenever the stenographic and typewriting department shall have been es-
 82 tablished as provided in this act, there shall be furnished to the presiding judge
 83 for use during the progress of the trial, whenever and as promptly as the same

84 may be practicable, a transcript of the stenographic notes of the proceedings and
 85 to the state's attorney and to the defendant each a carbon copy thereof for their
 86 use during the trial, and, in case of the defendant's conviction, the transcript fur-
 87 nished the presiding judge may be used by the defendant in the preparation of a
 88 report of the proceedings to be settled and signed by the judge. In case there
 89 are several defendants or groups of defendants represented by different attor-
 90 neys the court may, in its discretion, cause an additional carbon copy of such
 91 transcript to be furnished to the defendants and may make such order with re-
 92 spect to the use thereof as the court may deem proper. In case of the conviction
 93 of the defendant the fees for such transcript and carbon copies and for the at-
 94 tendance of the court stenographer shall be taxed as costs in the action against
 95 such defendant, to be collected as other costs in the action: *Provided, however,*
 96 that the court may, in its discretion, as hereinafter provided, remit the whole or
 97 any portion of such costs.

98 *Ninth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER CRIMINAL ACTIONS.]
 99 For transcribing from stenographic notes proceedings in court in criminal ac-
 100 tions in which the punishment may not be death or confinement in the peniten-
 101 tiary, and furnishing the original to the presiding judge, one carbon copy thereof
 102 to the state's attorney and one carbon copy thereof to the defendant, eight (8)
 103 cents for each one hundred (100) words of the original copy thereof, and when
 104 more than two (2) carbon copies are furnished an additional charge shall be made
 105 at the rate of two (2) cents for each one hundred (100) words of each additional
 106 carbon copy. No transcript of the proceedings shall be made in any such action
 107 prior to the entry of final judgment, excepting by the direction of the presiding
 108 judge or of the defendant, and in either case the fees therefor shall only be
 109 taxed against the defendant in case of his final conviction. When the proceedings
 110 are transcribed by the direction of the defendant prior to the entry of final judg-
 111 ment, he shall pay the fees therefor in advance; but in case of his acquittal or

112 discharge he shall, upon application to the court therefor, be entitled to an order
 113 for the repayment to him, out of the funds of the stenographic and typewriting
 114 department, of the amount so paid: *Provided, however,* that upon the convic-
 115 tion of any defendant and the suing out by him of a writ of error in a case in
 116 which a transcript of the stenographic notes of the proceedings shall not have
 117 been previously made, it shall be the duty of the court, upon the application of
 118 the defendant and upon proof that he is a poor person within the meaning of
 119 this act, to cause to be furnished to such defendant such transcript, together with
 120 a carbon copy thereof without payment therefor in advance, the fees therefor to
 121 be taxed as costs against such defendant in case of the affirmance of the judgment
 122 of conviction, or the dismissal of the writ of error.

Sec. 149. [USE TO BE MADE OF ORIGINAL AND CARBON COPIES.] When any deposi-
 2 tion, proceeding before a master of the municipal court or a master in chancery,
 3 or proceeding in court, provided for by clauses fifth, sixth and seventh of the
 4 preceding section, is transcribed from stenographic notes or taken down directly
 5 upon a typewriter, the original copy of the deposition shall be returned into the
 6 proper court, the original copy of the proceedings, including the taking of testi-
 7 mony, before a master shall be furnished to the master and the original copy of
 8 proceedings in court, including the taking of testimony, shall be furnished the
 9 presiding judge and one carbon copy in each of said cases, shall be furnished to
 10 each party to the action, or to each group of parties who shall have entered a sep-
 11 arate appearance.

Sec. 150. FEES OF WITNESSES.] The fees of each witness for attending the
 2 municipal court in any action pending therein shall be one dollar and fifty cents
 3 (\$1.50) for each day's necessary attendance, and, in addition thereto, when the
 4 witness does not reside in Cook county, an additional sum equal to two dollars
 5 (\$2) for each ten (10) miles or fraction thereof between the residence of the
 6 witness and the place where the court is held, the distance in each case men-

tioned in this section to be estimated by the distance of necessary travel by the route most convenient for the witness.

Sec. 151. HOW WITNESSES' FEES PAID.]. The fees, including mileage, of witnesses in civil and quasi criminal actions, other than those to recover fines or penalties for the violation of municipal ordinances, or those instituted by the People of the State of Illinois, or in the name of any state, county or municipal officer in his official capacity, shall be paid in the first instance by the party calling the witness and each witness whose witness fees have been paid as aforesaid by the party by whom he has been called or who, not having been paid as aforesaid, intends to claim his witness fees, shall, at the demand of the party calling such witness, make his affidavit showing the number of days of necessary attendance and in case he does not reside in Cook county, also the number of miles of necessary travel and deliver the same to the party calling such witness to be filed by such party with the clerk. But no witness in any such case shall be entitled to demand payment of his fees or mileage in advance of the giving of his testimony: *Provided, however,* that when any witness is a poor person, the court may, in its discretion, require the fees or mileage, or both, of such witness to be paid in advance by the party calling such witness. The fees and mileage of a witness in a criminal action, when such witness resides outside of Cook county, shall be paid out of the county treasury of Cook county on the certificate of the clerk of the municipal court: *Provided, however,* that, to entitle such witness to payment as aforesaid he shall make affidavit of the distance traveled; that it was the usually traveled and most direct route, of the number of days' actual attendance, and that such attendance was at the instance of the state's attorney, or the accused or his attorney, to which shall be added the certificate of the judge that the amount is reasonable and that he was a material witness in the action.

Sec. 152. PEOPLE, MUNICIPAL CORPORATIONS, ETC., NOT TO PAY COSTS.] No costs
 2 or fees of any kind or character in any action or proceeding in the municipal
 3 court shall be required to be paid by the People of the State of Illinois, or by
 4 any municipal corporation, or by any State, county or municipal officer insti-
 5 tuting or defending any action or proceeding in his official capacity, but in every
 6 such case, if final judgment is entered against the opposite party to the action,
 7 and such opposite party is not a municipal corporation, or a State, county or
 8 municipal officer suing or defending in his official capacity, all the costs of the
 9 action may, in the discretion of the court, be awarded against such opposite
 10 party and may be collected by execution or otherwise, and, when so collected,
 11 shall be paid over to or retained by the proper officers to be accounted for, or
 12 otherwise disposed of, by them as other costs collected by them, such costs to be
 13 taxed at the rates fixed by this act for like services in like actions or proceedings
 14 in which the People of the State of Illinois, or any municipal corporation, or any
 15 State, county or municipal officer is not a party.

Sec. 153. WHEN ADVANCE COSTS NOT REQUIRED OF DEFENDANT—JUDGMENT FOR
 2 costs.] Excepting as may be otherwise expressly provided by this act, no ad-
 3 vance costs of any kind or character shall be required to be paid in the municipal
 4 court by any defendant in any criminal action, or any quasi criminal action to
 5 recover a fine or penalty for the violation of a municipal ordinance, or in any
 6 quasi criminal action instituted by the People of the State of Illinois, or in the
 7 name of any State, county or municipal officer in his official capacity, but in
 8 every such case, if final judgment is entered against the defendant, all the costs
 9 of the action may, in the discretion of the court, be awarded against such oppo-
 10 site party and may be collected by execution or otherwise, and, when so collected,
 11 shall be paid over to or retained by the proper officers to be accounted for or
 12 otherwise disposed of by them as other costs collected by them, such costs to be
 13 taxed at the rates fixe^d by this act.

Sec. 154. WHEN DEFENDANT ENTITLED TO REPAYMENT.] In any civil action brought by the People of the State of Illinois or by any county or other municipal corporation or by any State, county or municipal officer in his official capacity the defendant, in case final judgment is entered in his favor, shall be entitled to repayment by all the officers of court, including court stenographers, of fees or costs paid by him to such officers in such action.

Sec. 155. COSTS REMITTED WHEN.] The municipal court may, in its discretion, order that any part or the whole of the costs in any criminal or quasi criminal action, other than a qui tam action or other action brought in the name or for the benefit of a private individual to recover a statutory penalty, be remitted, in which case the costs ordered to be remitted shall not be taxed against the defendant in case of his conviction.

Sec. 156. PLAINTIFF'S TAXABLE COSTS FOR PREPARING PAPERS.] The plaintiff shall be entitled to have taxed as costs in his favor as compensation for the preparation of the papers to be filed by him as hereinbefore provided for the following sums:

First—PRAECIPE—STATEMENT—DISTRESS WARRANT, ETC.—AFFIDAVIT—INTERROGATORIES.] For each praecipe, statement of claim or affidavit of claim, distress warrant and inventory, or interrogatories to garnishee, fifty (50) cents.

Second—REPLEVIN OR ATTACHMENT AFFIDAVIT.] For each affidavit in attachment or replevin, one dollar (\$1).

Third—ATTACHMENT OR REPLEVIN BOND.] For each bond in attachment or replevin, one dollar (\$1).

Sec. 157. PLAINTIFF'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.] The plaintiff shall be entitled to have taxed as costs in his favor, as compensation for the preparation and service of the copies of papers to be served by him as hereinbefore provided for, for each copy of praecipe, statement of claim, affi-

5 davit of claim, distress warrant and inventory, affidavit in attachment or re-
 6 plevin, or bond in attachment or replevin, or interrogatories to garnishee, the
 7 sum of twenty-five (25) cents.

Sec. 158. DEFENDANT'S TAXABLE COSTS FOR PREPARING PAPERS.] The defend-
 2 ant shall be entitled to have taxed as costs in his favor, as compensation for
 3 the preparation of the papers to be filed by him as hereinbefore provided for,
 4 the following sums:

5 *First*—APPEARANCE AND SPECIFICATIONS OF DEFENSE.] For each appearance or
 6 specification of defense or defenses, fifty (50) cents.

7 *Second*—ABATEMENT—AFFIDAVIT.] For each motion and affidavit in abate-
 8 ment, affidavit of merits, or affidavit denying ground of attachment, one dollar
 9 (\$1).

Sec. 159. DEFENDANT'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.]
 2 The defendant shall be entitled to have taxed as costs in his favor as compen-
 3 sation for the preparation and service of the copies of the papers required to be
 4 served, as hereinbefore provided for, for each appearance, specification of de-
 5 fense or defenses, motion and affidavit in abatement, affidavit of merits, or
 6 affidavit denying the ground of attachment, twenty-five (25) cents.

Sec. 160. PARTY'S STENOGRAPHER'S FEES.] Either party to a civil or quasi
 2 criminal action, other than one brought by the People of the State of Illinois,
 3 or by a municipal corporation or by any State, county or municipal officer in-
 4 stituting an action in his official capacity, who shall have ordered and paid for
 5 the transcribing of proceedings in court, as hereinbefore provided, shall be en-
 6 titled to have taxed as costs in his favor and against the opposite party the
 7 amount so paid: *Provided, however,* that no such costs shall be taxed in favor
 8 of any plaintiff recovering judgment in any action at law brought for the re-
 9 covery of money or personal property, when the amount of money or the value

10 of the personal property recovered by him, or the amount so recovered, to-
 11 gether with any set-off or counter-claim of the defendant defeated, shall not ex-
 12 ceed one thousand dollars (\$1,000), exclusive of costs; nor shall any such costs
 13 be taxed in favor of any defendant recovering judgment in any such action un-
 14 less the plaintiff's claim defeated by such defendant, when the defendant recov-
 15 ers costs only, or the plaintiff's claim defeated by such defendant, together with
 16 the amount in money or personal property recovered by such defendant, when
 17 the defendant recovers money or personal property in addition to costs, exceeds
 18 one thousand dollars (\$1,000); and *Provided, further*, that no such costs shall be
 19 taxed against any poor person whose financial circumstances are such as to make
 20 the payment of such costs unduly burdensome or oppressive, when it appears to
 21 the satisfaction of the court that such action was prosecuted or defended by
 22 such person in good faith. In civil actions other than actions for the recovery of
 23 money or personal property, the allowance of costs to either party for moneys
 24 paid for the transcribing of proceedings in court shall be in the discretion of the
 25 court, such discretion to be exercised, as near as may be, in a manner which
 26 will not make costs in actions involving small amounts of property unduly bur-
 27 densome to either of the parties. In any civil or quasi criminal action brought
 28 by the People of the State of Illinois, or by or against any municipal corporation,
 29 or by or against any State, county or municipal officer instituting or defending
 30 an action in his official capacity, the other party to the action, upon the entry of
 31 final judgment in his favor, if he shall have paid for the transcribing of the
 32 proceedings, or of any portion thereof, shall, upon application to the court there-
 33 for, be entitled to an order for the repayment to him out of the funds of the
 34 stenographic and typewriting department of the amount so paid.

Sec. 161. COSTS FOR PREPARING REPORT OF PROCEEDINGS.] The party preparing

2 and tendering to a judge for settlement and signature a report of proceedings
 3 shall be allowed to have taxed as costs in his favor therefor, in addition to the
 4 fees, if any, paid by such party to the stenographic and typewriting department

5 for a transcript of the stenographic notes of the proceedings, such sum, not less
 6 than five dollars (\$5) nor more than twenty-five dollars (\$25), as the court may
 7 deem reasonable and just, the amount so to be allowed to be endorsed upon such
 8 report by the judge at the time of signing the same: *Provided, however, that*
 9 no such costs shall be taxed unless such report shall be used in the prosecution
 10 of an appeal or writ of error.

Sec. 162. COSTS FOR SERVING SUMMONS, ETC., BY PERSON NOT OFFICER.] The
 2 party procuring the service of any summons, subpoena, garnishee summons,
 3 citation or order of court when the same is not served by any officer authorized
 4 by this act to serve the same, shall be entitled to have taxed as costs in his
 5 favor one-half the fees which would be payable if the same were served by such
 6 officer.

Sec. 163. COSTS OF GARNISHEE.] Every person summoned as a garnishee, if
 2 it appear to the satisfaction of the court that he has truly disclosed all of the
 3 lands, tenements, goods, chattels, moneys, choses in action, credits and effects,
 4 if any, in his hands belonging to the defendant in the attachment, shall be al-
 5 lowed out of such lands, tenements, goods and chattels, moneys, choses in action
 6 and effects, if any, or, if there be none such, then as costs to be taxed in his
 7 favor against the plaintiff, the following:

8 *First*—PREPARING AND SERVING COPIES OF ANSWERS TO INTERROGATORIES.] For
 9 preparing and serving copies of answers to interrogatories in an action of at-
 10 tachment, one dollar (\$1).

11 *Second*—NECESSARY ATTENDANCE.] For necessary attendance for each day or
 12 fractional day, one dollar and fifty cents (\$1.50).

13 *Third*—WITNESSES' FEES, ETC.] For the fees and mileage of necessary wit-
 14 nesses the same fees and mileage as are allowed other parties to actions in said
 15 court.

Sec. 164. SECURITY FOR COSTS—FORM.] In every action in the municipal

2 court, when the plaintiff or person for whose use the action is to be commenced
3 shall not be a resident of this State, the plaintiff or person for whose use the
4 action is to be commenced shall, before he institutes such action, file or cause to
5 be filed with the clerk security for costs substantially in the following form:

6 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

7 John Doe
8 v. Richard Roe. } Contract. No. 17.

9 SECURITY FOR COSTS.

10 I, William Doe, do hereby enter myself as security for all costs which may
11 accrue in the above entitled action.

12 Dated January 10, 1908.

13 WILLIAM DOE.

Sec. 165. SIGNING AND EFFECT OF SECURITY.] Such instrument shall be sign-
2 ed by some responsible person being a resident of this State, to be approved
3 by the clerk, and shall bind such person to pay all costs which may accrue in
4 such action, either to the opposite party, or to any of the officers of the court in
5 which the action is commenced, or to which it is removed by a change of venue, or
6 appeal or writ of error.

Sec. 166. FAILURE TO FILE SECURITY—RIGHT TO SECURITY NOT WAIVED.] If any
2 such action shall be commenced without filing such instrument in writing, the
3 court, on motion, shall dismiss the same and the attorney of the plaintiff shall
4 pay all the costs accruing thereon, unless the security for costs shall be filed
5 within such time as shall be allowed by the court, and when so filed it shall relate
6 back to the commencement of the action. The right to require security for costs
7 in any such case shall not be deemed waived by any proceeding in the action.

Sec. 167. CASH DEPOSIT IN LIEU OF SECURITY—FORM OF CERTIFICATE.] In lieu

2 of the filing of security for costs, as provided for in the preceding three sections,
 3 the party required to give security may deposit with the clerk the sum of twenty-
 4 five dollars (\$25) as such security and may thereafter make such further depos-
 5 its of cash as such security, from time to time, as the court may deem reason-
 6 able, and in case judgment is rendered against the plaintiff or person for whose
 7 use the action is commenced, such deposit or deposits shall be applied, under the
 8 direction of the court, towards the payment of the costs recovered by the de-
 9 fendant, and such other costs as the plaintiff, or person for whose use the action
 10 is commenced, may be required to pay. Upon the deposit of any sum as cash
 11 security, the clerk shall issue to the person making the same a certificate of de-
 12 posit in substantially the following form:

13 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.

14 John Doe
 v.
 15 Richard Roe. } Contract. No. 17.

16 CERTIFICATE OF DEPOSIT.

17 This is to certify that the undersigned, clerk of the municipal court of
 18 Chicago, Illinois, has this day received from John Doe, the plaintiff in the above
 19 entitled action, twenty-five dollars (\$25) as security for costs.

20 Dated January 10, 1908.

21 JOHN SMITH, *Clerk.*

Sec. 168. PARTY BECOMING NON-RESIDENT.] If, at any time after the com-

2 mencement of any action by a resident of this State, he shall become a non-
 3 resident, it shall be the duty of the court, on motion of the defendant or any
 4 officer of the court, to rule the plaintiff, on or before the day in such rule named,
 5 to give security for the payment of costs in such action. If such plaintiff shall
 6 neglect or refuse, on or before the day in such rule named, to file an instrument

7 in writing of some responsible person, being a resident of this State, whereby
 8 he shall bind himself to pay all costs which have accrued or may accrue in such
 9 action, or to make a cash deposit in lieu thereof, the court shall, on motion, dis-
 10 miss the action.

Sec. 169. SUCCESSFUL PARTY TO RECOVER COSTS—EXCEPTIONS.] In every action
 2 at law or special proceeding in the municipal court the party finally successful
 3 therein shall recover all his costs of the action from the unsuccessful party, with
 4 the following exceptions:

5 *First*—COSTS ORDERED PAID DURING PENDENCY OF ACTION.] The court may, in
 6 its discretion, during the pendency of an action, order the payment of costs by
 7 one party to the other party or to an officer of the court, or may otherwise im-
 8 pose the payment of such costs, as hereinbefore provided, and the costs paid in
 9 pursuance of such order shall not be recovered by the party paying the same.

10 *Second*—COSTS OF APPEAL OR WRIT OF ERROR TO ABIDE EVENT WHEN.] When,
 11 upon the prosecution of any appeal or writ of error, any order, judgment or
 12 decree is reversed, in whole or in part, or modified, and the cause is remanded
 13 for a further hearing, the costs incurred by the party prosecuting such appeal
 14 or writ of error shall abide the final event of the action and shall only be recov-
 15 ered by the party prosecuting such appeal or writ of error in case the final judg-
 16 ment or decree rendered in the action shall be in his favor, and then only to such
 17 extent as the municipal court may deem equitable and just.

18 *Third*—ACTIONS IN NAME OF PEOPLE, MUNICIPAL CORPORATIONS, ETC.] In any
 19 action or proceeding commenced for and on behalf of the people of this State, or
 20 the Governor thereof, or for or on behalf of any county or other municipal cor-
 21 poration in this State, or in the name of any person for the use of the people
 22 of this State or any county or municipal corporation, no costs shall be recovered
 23 by the opposite party. In case the plaintiff shall be finally successful in any
 24 such action, there shall be taxed against the defendant and collected as a part

of the judgment or decree all the costs of the action which would be payable to the officers of the court, if such action were one between individuals suing or defending in their individual capacities, and the costs so collected shall be paid to the proper officers, but in case the defendant shall be finally successful in such action, no costs of any kind shall be taxed or paid, and the defendant shall be repaid by all the officers of the court all costs paid by him to such officers.

Fourth—ACTIONS AGAINST MUNICIPAL CORPORATIONS.] In any action or proceeding brought by any person or corporation against any county or other municipal corporation, the plaintiff, if finally successful, shall not recover any judgment for costs against the defendant but all costs paid by the plaintiff to the officers of the court in such action shall be refunded to the plaintiff by order of the court in which the action is determined. In case the defendant shall be finally successful, there shall be taxed against the plaintiff and collected as a part of the judgment all the costs of the action which would have been payable by the defendant to the officers of the court if the defendant were an individual defending in his individual capacity, and the costs so collected shall be paid to the proper officers.

Fifth—ACTIONS IN EQUITY.] In actions in equity it shall be in the discretion of the court to award costs or not, and the court in any such action may apportion the costs thereof among the parties thereto in such manner as may seem equitable and just.

Sixth—JURY COSTS WHEN ACTION NOT TRIED BY JURY.] When either party to an action shall have filed a demand in writing of a trial by jury and shall have paid the costs therefor, and such action shall be disposed of without a trial by jury, the party having paid such costs shall not recover the same from the opposite party.

Seventh—POOR PERSONS.] When the party against whom a final judgment or decree may be rendered is a poor person whose financial circumstances, as made to appear to the court, are such that the payment of costs would be un-

54 duly burdensome or oppressive, and it shall appear to the satisfaction of the
55 court that the action was commenced and prosecuted, or defended, as the case may
56 be, by such person in good faith, no judgment for costs shall be rendered against
57 such poor person.

Sec. 170. PARTY TO FILE BILL OF COSTS — VERIFICATION—FORM OF BILL OF
2 costs.] Within ten days after the entry of any final order, judgment or decree
3 awarding costs, and before the issuance of any execution thereon, the party to
4 whom costs are awarded by such final order, judgment or decree shall file with
5 the clerk a bill of his costs in the action. Such bill shall specify the court in
6 which the action is pending, and the title, classification and number of the action,
7 and shall thereafter set forth each item of costs to which such party may claim
8 to be entitled, whether the same was paid or accrued in the municipal court or
9 in a court of appellate jurisdiction. Such bill shall be verified by the affidavit of
10 such party or his attorney. The following form of bill of costs shall be deemed
11 sufficient and shall be taken as furnishing suggestions from which other bills of
12 costs may be properly framed:

13 IN THE MUNICIPAL COURT OF CHICAGO, ILLINOIS.
14 John Doe }
15 v. } Replevin. No. 75.
Richard Roe.

16 PLAINTIFF'S BILL OF COSTS.

17 1908.

18	Feb. 2	Clerk's fees at commencement of action	\$ 8.00
19	Feb. 2	Preparing praecipe.....	.50
20	Feb. 2	Preparing affidavit.....	1.00
21	Feb. 2	Preparing bond	1.00
22	Feb. 6	Preparing and serving copy of praecipe.....	.25
23	Feb. 6	Preparing and serving copy of affidavit.....	.25

24	Feb. 6	Preparing and serving copy of bond.....	.25
25	Feb. 6	Sheriff's fees for serving and executing writ.....	2.00
26	Feb. 15	Clerk's fees for execution.....	1.00
27			<hr/>
		Total..	\$14.25

28 Henry Jones on his oath says that he is the attorney of the plaintiff in the
29 above entitled action and that the foregoing bill of costs is true and correct.

30 HENRY JONES.

31 Subscribed and sworn to before me this 24th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 171. CLERK TO TAX COSTS ACCORDING TO BILL—EXCEPTION.] The clerk
2 shall tax the costs as set forth in such bill of costs unless, from an inspection there-
3 of, it shall appear to the clerk that the items therein are in excess of the amounts
4 provided by law, or unless the clerk shall have reason to believe that any item or
5 items therein are fictitious, in which case the clerk shall notify such party of his
6 refusal to tax such bill of costs.

Sec. 172. APPLICATION TO COURT.] Whenever the clerk shall refuse to tax a
2 bill of costs filed as aforesaid, or any item therein, the party having filed such
3 bill may, upon notice to the opposite party, apply to the court for an order that
4 the same may be taxed. and the court, upon a hearing of such application, shall
5 make such order as justice may require.

Sec. 173. RETAXING COSTS.] Any party against whom any bill of costs is
2 taxed as aforesaid may, upon notice to the opposite party, move the court to re-
3 tax the costs, and, upon the hearing of such motion, the court may make such
4 order as justice may require.

Sec. 174. AMOUNT OF COSTS NOT TO BE SPECIFIED IN JUDGMENT, ETC.] It shall
2 be unnecessary in any order, judgment or decree to specify the amount of the

costs which may be awarded against the party against whom an order, judgment or decree is rendered, but it shall be sufficient that the costs be taxed as aforesaid and upon the issuance of execution the amount thereof shall be inserted in the execution. In every such case, as well as upon supplementary or other proceedings to enforce the order, judgment or decree, the taxation of the costs by the clerk shall be deemed and taken as a part of such order, judgment or decree.

Sec. 175. COSTS NOT RECOVERABLE BY OPPOSITE PARTY—HOW COLLECTED.] Costs to be paid by either party to any officer of the court or to the stenographic and typewriting department, and not recoverable by the opposite party, shall be taxed by the clerk and the clerk shall issue a fee bill and execution therefor, or the payment of the same may be enforced by attachment, or in such other manner as may be provided by this Act.

Sec. 176. POOR PERSONS.] In any action or proceeding in the municipal court the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that such advance payment would be unduly burdensome and oppressive.

DIVISION XI.

MISCELLANEOUS PROVISIONS.

SECTION	SECTION
177. Jurisdiction of outside justices to be limited.	180. Partial invalidity not to affect entire act.
178. Executions on justices' judgments—procedure in pending cases—certificates.	181. Submission to vote of legal voters—when act to become operative.
179. Disposition of papers and dockets of justices of the peace.	

Sec. 177. JURISDICTION OF OUTSIDE JUSTICES TO BE LIMITED.] The jurisdiction of justices of the peace in the territory of the county of Cook, outside of the city

3 of Chicago, shall remain limited to the territory of said county outside of said
4 city.

Sec. 178. EXECUTIONS ON JUSTICES' JUDGMENTS — PROCEDURE IN PENDING
2 CASES—CERTIFICATES.] Executions may be issued by the clerk of the municipal
3 court upon any unsatisfied judgments rendered by justices of the peace whose
4 offices have been heretofore abolished in all cases in which the same might have
5 been issued had such offices of justices of the peace not been abolished. In all
6 cases not determined or finally disposed of by any justice of the peace at the time
7 his office was abolished such proceedings shall be had in the municipal court as
8 might be had were such suit originally brought in such court; but no trial of any
9 such case shall be had in such court without such notice to the parties thereto as
10 the court may deem necessary. The clerk of the municipal court shall have full
11 power and authority to certify to transcripts of proceedings of justices of the
12 peace whose offices have been abolished.

Sec. 179. DISPOSITION OF PAPERS AND DOCKETS OF JUSTICES OF THE PEACE.]
2 As soon after the first day of January, 1912, as may be practicable, the clerk
3 of the municipal court, under the supervision of the chief justice of the munici-
4 pal court, shall cause to be disposed of, by public sale or otherwise, all
5 papers theretofore delivered to him by justices of the peace of the city of Chi-
6 cago, whose offices have been abolished, in cases brought before said justices
7 of the peace and finally disposed of by them more than seven years prior to
8 said first day of January, 1912, and also all dockets of said justices of
9 the peace which may contain no entries made within seven years prior to the
10 first day of January, 1912; and as soon as may be practicable after
11 the first day of January of each year thereafter said clerk, under the
12 supervision of said chief justice, shall in like manner cause to be disposed of
13 by public sale or otherwise, all such papers then remaining in his hands in
14 cases finally disposed of by said justices of the peace more than seven years

15 prior to said date and all dockets of said justices of the peace which contain
 16 no entries made by said justices other than those made more than seven years
 17 prior to said date, until all of the files and dockets so delivered by said justices
 18 of the peace of the city of Chicago shall have been so disposed of.

Sec. 180. PARTIAL INVALIDITY NOT TO AFFECT ENTIRE ACT.] The invalidity
 2 of any portion of this Act shall not affect the validity of any other portion
 3 thereof which can be given effect without such invalid part, the intention here-
 4 of being that the courts of this State shall presume conclusively that it is the
 5 intention of the General Assembly that all of the provisions of this Act which
 6 are not in and of themselves invalid shall be given effect notwithstanding the
 7 courts, but for the provisions of this section, might presume it to be the inten-
 8 tion of the General Assembly that the valid portions of this Act should not
 9 be given effect, unless the portions thereof which are invalid could also be
 10 given effect.

Sec. 181. SUBMISSION TO VOTE OF LEGAL VOTERS—WHEN ACT TO BECOME OP-
 2 ERATIVE.] This Act shall be submitted to a vote of the legal voters of the city
 3 of Chicago at the election to be held in said city of Chicago on the first Tuesday
 4 after the first Monday of November, 1911. The ballots to be used at said election
 5 in voting upon this Act shall be in substantially the following form:

For consenting to the Act entitled "An Act to revise the law in relation to the municipal court of Chicago."	
Against consenting to the Act entitled, "An Act to revise the law in relation to the municipal court of Chicago."	

6 If a majority of the legal voters of said city voting on the question at
 7 such election shall vote in favor of consenting to this Act, the same shall take
 8 effect and become operative on the first day of January, A. D. 1912.

House Bill No. 5

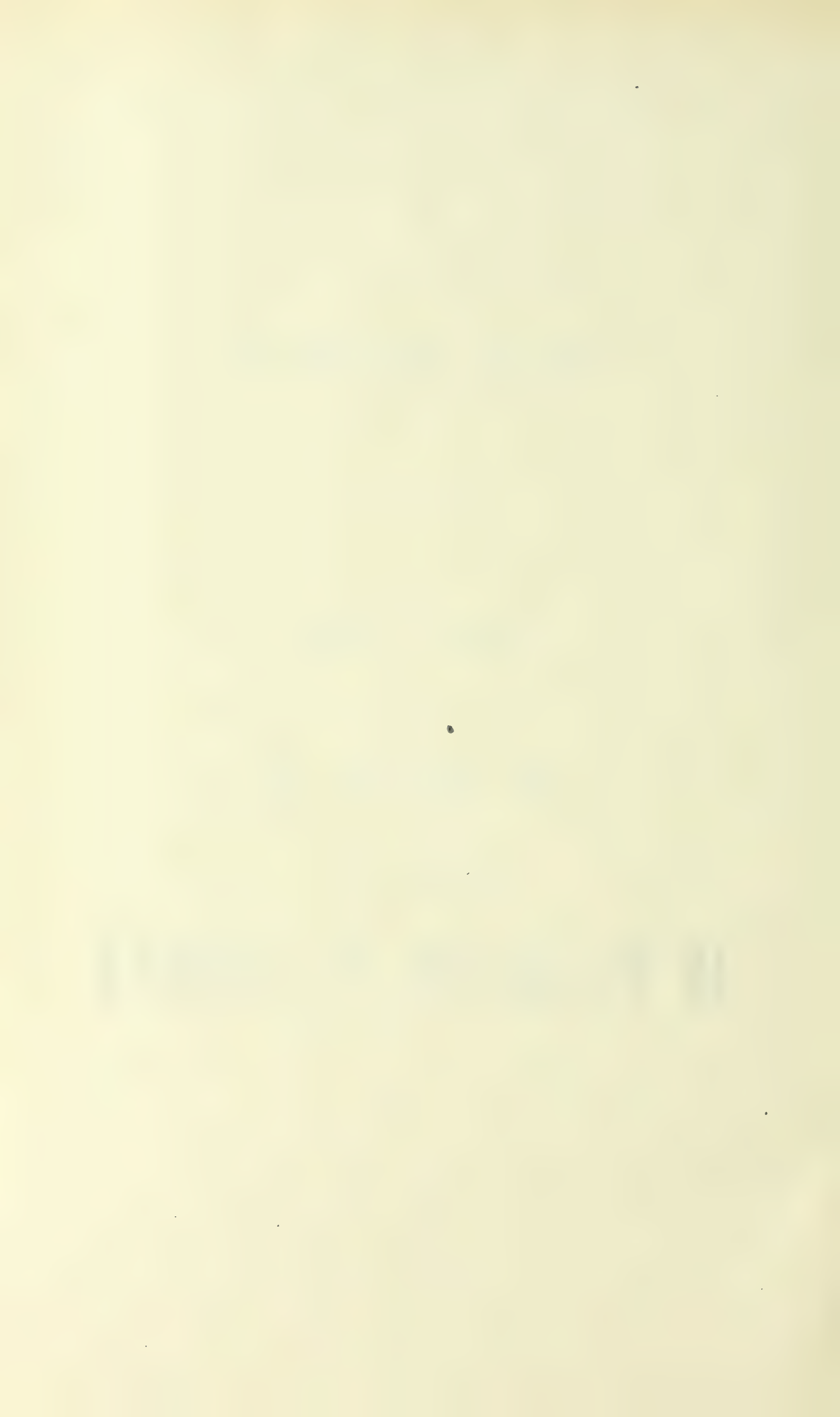
PART ONE

OF

A BILL

FOR AN ACT

IN RELATION TO COURTS





- 1 Introduced by Mr. Gilbert, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act in relation to courts.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

DIVISION I.

ORGANIZATION OF COURTS AND POWERS AND DUTIES OF THE JUDGES THEREOF.

SECTION

1. Court to consist of judge and clerk—presence of clerk not necessary.
2. Where business of court to be transacted—presumption.
3. Courts to be always open—attendance of judges.
4. When judges of circuit and superior courts must attend—dates, etc., of attendance—how fixed.
5. When judges of appellate courts must attend.
6. When judges of supreme court must attend.
7. Powers of single judge of supreme or appellate court to enter orders.
8. Judge of supreme court may hold other courts.
9. Supreme court—when to be convened to hear action affecting public interests.
10. Powers of county, city court and circuit court judge to enter orders at place other than court room—when and how circuit judge may make orders outside of county in which action is pending.
11. County judge may hold circuit or city court in what cases.

SECTION.

12. Circuit judge may hold county, city or probate court.
13. County judge and probate judge may hold each other's courts.
14. When circuit judge may hear action outside of county—notice—how orders made.
15. Failure of party giving notice to attend—attorney's fee—unnecessary and vexatious notice.
16. Circuit judges to receive and investigate complaints—rules for justices of the peace and constables.
17. Judges to have superintendence of clerks' offices.
18. Circuit and superior court judges to have superintendence of sheriffs' offices.
19. Judges of supreme court to have superintendence of all courts—inspectors to be appointed.
20. Business manager for circuit, superior and criminal courts—duties and powers.
21. Additional branch appellate courts.
22. Assignment of judges to duty in other courts.

SECTION 1. COURT TO CONSIST OF JUDGE AND CLERK—PRESENCE OF CLERK NOT
 2 NECESSARY.] Every county, probate, circuit and city court, the superior court
 3 of Cook county, and the criminal court of Cook county, shall consist of the
 4 judge thereof; or of a branch thereof, as the case may be, and the clerk there-
 5 of, but the actual presence of the clerk, by himself or deputy, shall not be
 6 necessary to the lawful transaction of business by the judge thereof, or of a
 7 branch thereof, as the case may be, and no order, judgment or decree of either
 8 of said courts, or of any branch thereof, shall be held invalid because the rec-
 9 ord may fail to show the presence of the clerk at the entry of the same.

Sec. 2. WHERE BUSINESS OF COURT TO BE TRANSACTED—PRESUMPTION.] The
 2 business of every court of record shall be transacted at the place provided in
 3 pursuance of law for the holding of the same, except as may be hereinafter
 4 otherwise provided: *Provided, however,* that nothing herein contained shall
 5 require the record of any action or proceeding to show affirmatively that the
 6 orders of the court therein minuted or set forth were made and entered at
 7 such place provided in pursuance of law for the holding of said court, but it
 8 shall be presumed that the court was held and such orders made and entered
 9 at such place provided in pursuance of law, unless the contrary shall affirma-
 10 tively appear from the record aforesaid.

Sec. 3. COURTS TO BE ALWAYS OPEN—ATTENDANCE OF JUDGES.] Every term
 2 of each court of record, whether of original or appellate jurisdiction, shall
 3 continue until the commencement of the succeeding term thereof, and each of
 4 said courts shall be always open for the transaction of business: *Provided,*
 5 *however,* that the actual attendance upon said respective courts of the judges
 6 thereof at the respective places provided in pursuance of law for the holding
 7 of said courts, shall, excepting as in this Act is otherwise expressly prescribed,
 8 only be required during such sessions of their respective courts as may be nec-
 9 essary for the actual trial, hearing and final determination of causes, the times

of such sessions, until otherwise provided by law, to be fixed for each court by the judge or judges thereof respectively.

Sec. 4. WHEN JUDGES OF CIRCUIT AND SUPERIOR COURTS MUST ATTEND—

DATES, ETC., OF ATTENDANCE—HOW FIXED.] There shall be in attendance at the county seat of each county, not less than two days in every three months in which there are no regular sessions of the court for the actual trial, hearing and final determination of causes, and at such other times as may be necessary for the prompt transaction of business and the judges are not actually engaged in the transaction of business in other counties of the circuit, at least one judge of the circuit court and, in Cook county, also at least one judge of the superior court of Cook county, at the place provided in pursuance of law for the holding of the same, and in Cook county there shall also be at least one judge, either of the circuit or superior court of Cook county, so in attendance at the place provided in pursuance of law for the holding of the criminal court of Cook county, for the transaction, in said respective courts, of such business as may be brought before them respectively for disposition, and which may be disposed of without the aid of a jury. The judges of each circuit, and in Cook county the judges of the circuit and superior courts, shall determine among themselves the dates of such attendance and the counties in which they are severally to attend, and in default of such determination by the judges themselves such dates of attendance shall be determined by the chief justice of the Supreme Court. When the business of any circuit court, or of the superior court of Cook county, or criminal court of Cook county, is such as to require, for the prompt disposition thereof, regular sessions thereof each day in the year, other than Sunday or a legal holiday, there shall be at least one judge of said court in attendance therein from nine-thirty o'clock a. m. to twelve-thirty o'clock p. m., and from two o'clock p. m. to five o'clock p. m. of each day, other than Sunday or a legal holiday, who, while not actually engaged in the performance of other

27 official duties, must act upon any application for his official action properly made
28 to him.

Sec. 5. WHEN JUDGES OF APPELLATE COURTS MUST ATTEND.] The judges of
2 the appellate court of each district shall be in attendance at the place of holding
3 such court, at least five days in every month of the year, excepting the months
4 of July and August, and as much oftener as said judges may deem necessary
5 for the trial, hearing and final determination of causes. The dates of such
6 attendance shall be determined for each court by the judges thereof.

Sec. 6. WHEN JUDGES OF SUPREME COURT MUST ATTEND.] From and after
2 the first Tuesday of February, 1912, there shall be in attendance at the seat of
3 government at least four days of each week of the year excepting those
4 occurring in July and August, and excepting also the weeks in which occur
5 general election days, Thanksgiving, Christmas, New Year's, Lincoln's birth-
6 day and Washington's birthday, at least five judges of the Supreme Court for
7 the transaction of any business which may be brought before it, and during all
8 of said months of July and August there shall be in attendance at the seat of
9 government, or at some other convenient place within this State, at least one of
10 the judges of said court.

Sec. 7. POWERS OF SINGLE JUDGE OF SUPREME OR APPELLATE COURT TO ENTER
2 ORDERS.] Any judge of the Supreme Court, at any time during the absence
3 of four or more of the judges of said court from the seat of government, or
4 any judge of an appellate court at any time during the absence of the majority
5 of the judges of said court from the place provided in pursuance of law for
6 the holding of the same, shall have power to enter in any action pending in the
7 court of which he is judge any interlocutory order of either of the following
8 kinds.

9 *First*—STAY OF EXECUTION.] An order granting a stay of execution in a
10 criminal action, pending and undetermined in said court.

11 *Second*—BAIL.] An order admitting to bail any defendant in any criminal
 12 or quasi criminal action pending and undetermined in such court, or any order
 13 directing the court of original jurisdiction to admit such person to bail.

14 *Third*—EXTENSION OF TIME.] An order extending the time within which any
 15 party may file an authenticated record, printed copies or abstracts thereof,
 16 briefs, or arguments, or any pleading or other paper required to be filed by such
 17 party, in any action pending and undetermined therein.

18 *Fourth*—STAY OF PROCEEDINGS.] An order temporarily staying proceedings
 19 under a final judgment of said court upon the filing of a petition for a rehear-
 20 ing or otherwise.

21 *Fifth*—LEAVE TO COMMENCE ACTION—INTERLOCUTORY ORDERS.] An order
 22 granting leave to file a petition for a mandamus or for a writ of habeas corpus,
 23 or an information for the disbarment of any attorney at law, or a bill in equity,
 24 or to commence any action within the original jurisdiction of said court, fixing
 25 the time for the appearance of the defendant or defendants and the filing of
 26 pleadings or other papers therein, and extending the time for filing, and grant-
 27 ing leave to amend, pleadings, ordering the issuance of a writ of habeas corpus
 28 or other writ; and all other necessary orders preparatory to the final hearing
 29 of such petition, information, bill in equity, or other action, other than those in-
 30 volving decisions upon exceptions, or demurrers to pleadings, or otherwise de-
 31 termining the sufficiency thereof.

32 *Sixth*—CONTINUING, SUSPENDING OR GRANTING INJUNCTION.] An order con-
 33 tinuing in force an injunction order, or suspending the operation of an injunc-
 34 tion order, or granting an injunction order, in case of an appeal from or writ of
 35 error to an inferior court.

36 *Seventh*—SUSPENDING RECEIVERSHIP ORDER.] An order suspending the opera-
 37 tion of an order appointing a receiver.

38 *Eighth*—OTHER INTERLOCUTORY ORDERS.] Any other order of an interlocu-
 39 tory nature which the court, by its rules, may authorize to be entered by a single
 40 judge thereof.

Sec. 8. JUDGE OF SUPREME COURT MAY HOLD OTHER COURTS.] Any judge of

2 the supreme court may hold a circuit court, or a branch thereof, or a branch
3 of the superior court of Cook county, or the criminal court of Cook county, or a
4 city court, county court or probate court, and exercise all the powers and per-
5 form all the duties which a judge of either of said courts may exercise or per-
6 form.

Sec. 9. SUPREME COURT—WHEN TO BE CONVENED TO HEAR ACTION AFFECTING

2 PUBLIC INTERESTS.] Whenever, at any time when the supreme court is not in

3 session for the trial, hearing and final determination of causes, there is brought

4 or proposed to be brought in said court, by virtue either of its original or ap-

5 pellate jurisdiction, any action or proceeding affecting the public interests and

6 in which it is advantageous to the people of the State, or of any county, city, vil-

7 lage or incorporated town thereof, to secure a speedy final hearing and determ-

8 ination, it shall be the duty of the chief justice of said court, or, in case of his

9 absence from the seat of government, it shall be the duty of the judge or judges

10 for the time being at the seat of government, to cause a session or sessions of

11 said court to be held for the hearing and disposition of such action or proceeding

12 and the court shall thereupon hear and determine the same with all convenient

13 speed, and the court, or, in the absence of a majority of the judges thereof from

14 the seat of government, the chief justice or any judge thereof, shall have power

15 in any action pending in said court, by appeal or otherwise, or in which an ap-

16 peal to said court has been perfected, to expedite the hearing thereof by the

17 supreme court by abridging the time specified in this act for the filing of the

18 authenticated record of the order, judgment or decree appealed from, or the

19 filing of the printed copies or abstracts thereof, or of the briefs and arguments,

20 or by making any other order which may appear to be necessary or proper for

21 such purpose.

Sec. 10. POWERS OF COUNTY, CITY COURT AND CIRCUIT JUDGE TO ENTER ORDERS

2 AT PLACE OTHER THAN COURT ROOM—WHEN AND HOW CIRCUIT JUDGE MAY MAKE ORD-

ERS OUTSIDE OF COUNTY IN WHICH ACTION IS PENDING.] Any county judge or any judge of a city court shall have power to sign or otherwise make any order in any action pending in the court of which he is judge at any place within the city in which such court is held, and any judge of a circuit court shall have power to sign or otherwise make any order in any action pending in the circuit court of any county of the circuit of which he is judge at any place within the county-seat of any county within such circuit, whenever, in the opinion of such judge, the granting of such order at such place will be in furtherance of justice, and any such order, when so signed or otherwise made, shall be as effective as though made in any court room of said court: *Provided, however,* that after the defendant shall have entered his appearance no such order shall be made at any other place than the court room in which the county court or city court or circuit court in which such action is pending is held without reasonable notice to the parties; and *provided, further,* that no such order in any such action pending in any circuit court shall, without the consent of all the parties to the action, be signed or otherwise made out of the county-seat of the county in which the same is held, when there is any circuit judge then in attendance at such county-seat, or any other judge is in attendance at such county-seat who is authorized by this act to make such order, and who is not incapacitated by sickness, interest or otherwise from signing or making such order. Any order, judgment or decree specified in this section, when entered by a county judge, a judge of a city court or a judge of a circuit court, shall be presumed to have been entered in accordance with the provisions hereof unless the contrary shall affirmatively appear from the record. The provisions of this section shall likewise be applicable, as near as may be, to an order made by a judge of the superior court of Cook county or by a judge of the criminal court of Cook county.

Sec. 11. COUNTY JUDGE MAY HOLD CIRCUIT OR CITY COURT IN WHAT CASES.]

The county judge of any county shall be competent to hold the circuit court of said county or any city court in said county, or otherwise perform the duties

4 of a judge of such circuit court or city court, for the disposition of the follow-
 5 ing business therein:

6 *First*—TRIAL OF ACTIONS WITHIN JURISDICTION OF COUNTY COURT.] The trial
 7 and determination of, and the entries of all orders in, any action or proceeding
 8 pending in such circuit court or city court falling within the class of actions or
 9 proceedings of which county courts are given jurisdiction by law.

10 *Second*—DEFAULT.] The entering of defaults in all actions in which any or
 11 either of the parties is entitled to have such default entered, and the vacating
 12 of any default, or judgment or decree by default, previously entered.

13 *Third*—ASSESSMENT OF DAMAGES—JUDGMENTS.] The assessment of damages
 14 and the entering of judgments in all actions at law in which defaults have been
 15 properly entered and the vacating of any judgment previously entered upon
 16 default, and the entry of all judgments by confession.

17 *Fourth*—INTERLOCUTORY ORDERS.] The hearing of all motions for interlocu-
 18 tory orders, other than motions pertaining to injunctions or receivers, and the
 19 entering of all such interlocutory orders as may appear to be necessary or
 20 proper preparatory to the final trial and disposition of actions on their merits,
 21 other than orders sustaining or overruling exceptions or demurrers to plead-
 22 ings or otherwise determining the sufficiency of any pleading in any action not
 23 within the class of actions of which county courts are given jurisdiction by this
 24 act.

25 *Fifth*—POWERS CONSENTED TO.] The entry of orders in and the trial, dis-
 26 position and determination of all other civil and quasi criminal actions which
 27 all the parties thereto stipulate in writing may be entered, tried, disposed of and
 28 determined by such county judge: *Provided, however,* that no such stipulation
 29 shall be valid in any action in which any party thereto is a minor, non compos
 30 mentis, or is otherwise incapacitated from entering into a binding contract.

31 *Sixth*—RECEIVING PLEA AND IMPOSING SENTENCE IN CRIMINAL ACTION—FIXING
 32 BAIL, ETC.] The receiving and causing to be entered of a plea of guilty by a de-

33 fendant in any criminal action and the entering of sentence and judgment upon
 34 such plea, when both the State's Attorney and the defendant consent thereto,
 35 and the fixing and taking of bail in any such action.

36 *Seventh*—CITATIONS.] The ordering of the issuance of citations in sup-
 37 plementary proceedings, the examination of judgment debtors and other persons
 38 in such proceedings and the making of all orders which may be applied for in
 39 such proceedings.

40 But no county judge shall exercise any of the powers conferred upon him
 41 by this section when there is present in the county-seat in which said circuit
 42 court is held, or in the city in which such city court is held, as the case may be,
 43 any judge of the circuit court, or any judge of the city court, as the case may
 44 be, who is not incapacitated, either by sickness, interest or otherwise, from
 45 transacting the business proposed to be transacted by such county judge: *Pro-*
 46 *vided, however,* that the county judge may, at the request of the judge of the
 47 circuit court, at any time assist such judge of the circuit court in the trans-
 48 action of any business of the kind mentioned in Clause First of this section, and
 49 that the county judge may enter any order in this section provided for by the
 50 consent of all the parties to the action in which the same is entered. Any
 51 order, judgment or decree specified in this section, when entered by a county
 52 judge, shall be presumed to have been entered in accordance with the provisions
 53 hereof unless the contrary shall affirmatively appear from the record.

Sec. 12. CIRCUIT JUDGE MAY HOLD COUNTY, CITY OR PROBATE COURT.] Any
 2 judge of a circuit court may hold a county court, a city court or a probate court
 3 and transact or dispose of any business therein which the county judge of such
 4 county or the judge of such city court or probate court would be competent to
 5 transact or to dispose of, and any judge of a city court may hold a circuit
 6 court, a county court or a probate court and transact or dispose of any busi-
 7 ness therein which the judge of such circuit court, the county judge, or the judge

8 of the probate court, as the case may be, would be competent to transact or dis
9 pose of.

Sec. 13. COUNTY JUDGE AND PROBATE JUDGE MAY HOLD EACH OTHER'S COURTS.]

2 Any county judge may hold a probate court and transact or dispose of any busi-
3 ness therein which the judge of such probate court would be competent to trans-
4 act or dispose of, and any probate judge may hold a county court and transact or
5 dispose of any business therein which a county judge would be competent to
6 transact or dispose of.

Sec. 14. WHEN CIRCUIT JUDGE MAY HEAR ACTION OUTSIDE OF COUNTY—NOTICE

2 HOW ORDERS MADE.] Any judge of a circuit court shall have power to hear

3 at the county-seat of any county in the circuit in which he is elected any matter
4 submitted to him pertaining to any action, other than a criminal action, pending
5 in any circuit court in such circuit, when the hearing of such matter does not
6 involve a trial by jury, and may try such action and enter a final or other judg-
7 ment or decree therein, whenever it is made to appear to him that there is no
8 circuit judge then present in the county in which such action is pending, and
9 whenever, in his opinion, the hearing of such matter or the trial of such action
10 out of the county-seat of the county in which the action is pending, and the entry
11 of an order, judgment or decree therein, appear to be necessary to the proper
12 protection of the rights of the parties thereto: *Provided, however,* that no such
13 proceeding shall be had without reasonable notice thereof to such of the parties
14 to such action, or to their respective attorneys, as have not had defaults entered
15 against them for want of appearances. and that no such notice shall be given
16 by any party until he shall first have ascertained by inquiry of such circuit
17 judge that such matter will be heard by such judge at the time and place speci-
18 fied in such notice. When all of the parties to any action who have not had
19 defaults entered against them shall agree thereto, any circuit judge may hear
20 any matter submitted to him pertaining to any action in any circuit court of

his circuit and enter any order or decree therein at any place within such circuit. Any order, judgment or decree by any such judge, made as provided in this section in any such proceeding, shall be in writing and signed by him and filed with the clerk of the court in which the action is pending, and the clerk shall thereupon enter the same of record in the same manner as if such order, judgment or decree had been made in open court, and when so entered such order, judgment or decree shall have the same force and effect as if the same had been entered in open court. Any order, judgment or decree specified in this section, when entered by a judge of a circuit court, shall be presumed to have been entered in accordance with the provisions hereof unless the contrary shall affirmatively appear from the record.

Sec. 15. FAILURE OF PARTY GIVING NOTICE TO ATTEND—ATTORNEY'S FEE—UN-NECESSARY AND VEXATIOUS NOTICE.] When any party, upon notice of an application to a circuit judge for an order in an action pending in a county other than the one in which such application is proposed to be made, shall, by himself or attorney, attend upon such circuit judge in pursuance of such notice and the party giving such notice shall not, by himself or attorney, attend upon such circuit judge at the time and place specified in said notice, the judge shall make and sign an order for the payment by the party so giving notice of the necessary and reasonable expenses incurred by such party or his attorney in attending upon such circuit judge in pursuance of said notice and of an attorney's fee of ten dollars (\$10) per day for each day's time occupied by such attorney in such attendance, and such order when signed by the judge shall be entered of record by the clerk of the court in which the action is pending and compliance therewith may be enforced by attachment against the party ordered to make such payment. The judge may also, when any such application may appear to have been made out of the county-seat of the county in which the action is pending unnecessarily and vexatiously, or when the judge refuses to hear such application, and it shall appear that the notice thereof was given without the

19 making of previous inquiry of the judge as provided in the preceding section,
 20 order the payment, by the party making the application, of like expenses and
 21 attorney's fees as above provided for to the opposite party and enforce such
 22 payment in the manner above provided for.

Sec. 16. CIRCUIT JUDGES TO RECEIVE AND INVESTIGATE COMPLAINTS—RULES FOR
 2 JUSTICES OF THE PEACE AND CONSTABLES.] The judges of the several circuit courts
 3 and the judges of the superior court of Cook county shall receive and investi-
 4 gate, or cause to be investigated, all complaints presented to them pertaining
 5 to their respective courts and to the officers thereof and to justices of the peace
 6 and constables in their respective counties and they shall take such steps as
 7 they may deem necessary or proper with respect thereto, and they shall have
 8 power and it shall be their duty to adopt all such rules and regulations for the
 9 proper administration of justice in their respective courts, as well as for the
 10 proper discharge by justices of the peace and constables in their respective
 11 counties of the duties of their respective offices, as to said judges may seem ex-
 12 pedient and as may not be inconsistent with law. All orders adopting such
 13 rules and regulations shall be signed by a majority of the judges of the court
 14 adopting the same and shall be spread upon the records of such court: *Pro-*
 15 *vided, however,* that all orders adopting such rules in Cook county shall be
 16 signed by a majority of the judges of the circuit and superior courts of said
 17 county, and, when so signed, shall be spread upon the records of each of said
 18 courts.

Sec. 17. JUDGES TO HAVE SUPERINTENDENCE OF CLERKS' OFFICES.] The judges
 2 of the several courts shall have the general superintendence of the business and
 3 of the management of the offices of the clerks thereof. When any court con-
 4 sists of more than one judge the duty of such superintendence shall belong to
 5 and be performed by the chief justice or presiding judge of such court, if there
 6 be such chief justice or presiding judge; or, if there be no chief justice or pre-

siding judge, then such duty shall belong to and be performed by the judge for
 the time being holding the court or present in the county in which the same is
 held, or in case there are several judges present in the county or holding differ-
 ent branches of such court at the same time, then such duty shall belong to and
 be performed by the one of such judges who is the senior in age. It shall be the
 duty of the clerk of each court to comply with all directions of the superintend-
 ing judge thereof in respect to the management of the business of his office and
 for any failure so to do he may be punished as for a criminal contempt of court:
Provided, however, that in case a business manager shall be appointed for any
 circuit court, or the superior court of Cook county, or the criminal court of
 Cook county, as hereinafter provided, the superintendence of the office of the
 clerk of such circuit court, or superior court or criminal court of Cook county,
 shall belong to and be performed by such business manager.

Sec. 18. CIRCUIT AND SUPERIOR COURT JUDGES TO HAVE SUPERINTENDENCE OF
 SHERIFFS' OFFICES.] The judges of the circuit courts of the respective counties
 and the judges of the superior court of Cook county shall have the general super-
 intendence of the business and management of the sheriffs' offices of their re-
 spective counties. In Cook county the duty of such superintendence shall belong
 to and be performed by, first, the chief justice of the circuit court and then the
 chief justice of the superior court of Cook county alternately for periods of one
 year each, commencing with the first day of January, 1912, and in each county
 other than in Cook it shall belong to and be performed by the judge for the
 time being holding the circuit court or present in the county, or, in case there
 are several judges present in the county or holding different branches of the
 court at the same time, then such duty shall belong to and be performed by the
 one of such judges who is the senior in age. It shall be the duty of the sheriff
 of each county to comply with all directions of such superintending judge
 in respect to the management of the business of his office and for any failure
 so to do he may be punished as for a criminal contempt of court: *Provided,*

17 *however*, that in case a business manager shall be appointed for any circuit
 18 court, or the superior court of Cook county, as hereinafter provided, the superintendence of the office of sheriff shall belong to and be performed by such
 19 business manager.
 20

Sec. 19. JUDGES OF SUPREME COURT TO HAVE SUPERINTENDENCE OF ALL COURTS

2 INSPECTORS TO BE APPOINTED.] The judges of the supreme court shall have the
 3 general superintendence of the business of all of the courts of this State and
 4 may prescribe all rules and regulations not inconsistent with this act which they
 5 may deem suitable to promote the prompt and proper transaction of the business of all of said courts. As soon as may be practicable after the taking effect
 6 of this act, it shall be the duty of the Attorney General, with the approval of
 7 the judges of the supreme court, to procure the services of such number of competent persons not exceeding five as said judges may deem necessary, whose
 8 duty it shall be to inspect all offices of clerks of courts of record, sheriffs, official receivers, public administrators and masters in chancery in this State and
 9 to advise, aid and assist said officers in the keeping of the records, files and
 10 accounts and the transaction of the business of their respective offices, and to
 11 cause to be adopted a system for the keeping of said records, files and accounts
 12 and the transaction of said business which shall be first class in every particular
 13 and uniform, as near as may be, throughout the State. It shall also be the duty of
 14 said persons to recommend for adoption by the judges of the supreme court
 15 such rules and regulations as will promote the prompt, proper and economical
 16 transaction of the business of all courts inferior to the supreme court. Such
 17 persons shall be employed during such time as said judges may deem expedient and their compensation shall be fixed by said judges and shall be payable
 18 quarterly out of the State treasury upon the certificate of the chief justice of
 19 the supreme court out of the appropriation that shall be made therefor.
 20
 21
 22
 23

Sec. 20. BUSINESS MANAGER FOR CIRCUIT, SUPERIOR AND CRIMINAL COURTS—

2 DUTIES AND POWERS.] The judges of the supreme court shall have power of

3 their own motion to appoint a business manager for the circuit courts of any
4 circuit, or for the circuit, superior or criminal court of Cook county, and it
5 shall be their duty to make such appointment whenever petitioned so to do by a
6 number equal to ten per cent. of the attorneys at law authorized to practice in
7 the courts of record of this State and resident in such circuit or in said county
8 of Cook, as the case may be. Such business manager shall be one of the judges
9 of the court or courts for which he is appointed. He shall have the general
10 superintendence of the business of such court or courts and he shall assign the
11 judges of such court or courts to duty in the different counties of the circuit,
12 or, in Cook county, to the different branches of the court of which he is business
13 manager, and it shall be the duty of each judge to attend and serve in any county
14 or branch court to which he may be so assigned. Such business manager
15 shall superintend the preparation of the calendars of actions for trial or hear-
16 ing and shall make such classification and distribution of the same upon differ-
17 ent calendars as he shall deem proper and expedient. He shall also perform
18 such judicial work as he may be able to perform consistently with the proper dis-
19 charge of his duties as such business manager. Any attorney at law author-
20 ized to practice in the courts of record of this State, desirous of presenting
21 any application to a court of which there are two or more branches for any
22 order pertaining to an injunction, a receivership, an action of habeas corpus,
23 an action of mandamus, an action of quo warranto, or to any other action in
24 which prompt attention by the court may appear to be especially important,
25 may apply to such business manager, if there be such business manager, to
26 assign a judge to the hearing of such application, and said business manager
27 shall thereupon assign some one of the judges of said court to the hearing of
28 such application and fix a time therefor, and such application shall thereupon
29 be heard at the time so fixed and by the judge so assigned to the duty of hear-
30 ing the same. Such business manager shall have such other powers and per-
31 form such other duties, not inconsistent with law, as may be prescribed by the
32 judges of the supreme court.

Sec. 21. ADDITIONAL BRANCH APPELLATE COURTS.] Whenever it shall be made
 2 to appear to the supreme court that the business of any appellate court, of
 3 which one branch has already been organized, is such that the judges assigned
 4 to duty therein cannot finally determine and dispose of the actions therein
 5 pending within four months after the filing therein of the authenticated records
 6 of the inferior courts, it shall be the duty of the supreme court to forthwith
 7 designate and assign to duty in such appellate court three judges of the cir-
 8 cuit court and the three additional judges so designated and assigned shall, as
 9 soon as practicable, meet, organize and constitute an additional branch of the
 10 appellate court to which they shall have been assigned to duty, and the additional
 11 branch court so organized shall proceed to hear and determine, according to
 12 law and justice and the rules of said appellate court, all such cases and mat-
 13 ters as shall or may be docketed and pending for hearing and determination
 14 in said court not exceeding one-third in number thereof, as said appellate court
 15 may, by order, designate and assign to said additional branch court. Said ad-
 16 ditional branch court shall be known as the additional branch of said appellate
 17 court, and shall have the same powers and shall proceed in the same manner
 18 as is prescribed by law with respect to branch appellate courts, and the terms
 19 of office of the judges thereof shall be the same as the terms of office of the
 20 judges of other branch appellate courts. Any such additional branch appellate
 21 court may be discontinued by order of the supreme court, whenever it shall
 22 be made to appear to the supreme court that the business of such appellate
 23 court has become so reduced in volume that the actions therein pending can be
 24 readily and properly disposed of by such court and one branch court within
 25 four months after the filing therein of the authenticated records of the inferior
 26 courts.

Sec. 22. ASSIGNMENT OF JUDGES TO DUTY IN OTHER COURTS.] The chief jus-
 2 tice of the Supreme Court shall have power, and it shall be his duty, to assign
 3 judges of circuit courts, city courts and county courts, and judges of the su-

4 perior court of Cook county, to the duty of holding any courts outside of their
 5 respective circuits, cities or counties which they are authorized by law to hold,
 6 whenever such assignments may appear to said chief justice to be expedient
 7 and conducive to a prompt and speedy disposition of the business of the courts
 8 to which such assignments are made, provided such assignments shall not ap-
 9 pear to seriously interfere with the prompt and speedy disposition of the busi-
 10 ness of the courts of the circuits, cities or counties in and for which the
 11 judges so assigned may have been elected; and it shall be the duty of every
 12 judge so assigned to attend in the court designated by said chief justice and to
 13 hold such court during such time as said chief justice may direct. Nothing
 14 herein contained, however, shall be construed as prohibiting any judge of a cir-
 15 cuit court, city court, county court or the superior court of Cook county, with-
 16 out such assignment by the chief justice, from holding any court which he may
 17 be authorized by law to hold outside of the circuit, city or county in and for
 18 which he may be elected, whenever he may be requested so to do by any judge
 19 of said court and whenever the holding of such court will not seriously inter-
 20 fere with the prompt and speedy disposition of the business of the courts of
 21 the circuit, city or county in and for which he may be elected.

DIVISION II.

THE POWERS AND DUTIES OF CLERKS.

SECTION

23. Clerks keepers of seals—must personally attend to duties—office hours.
24. Bond and oath of office.
25. Appointment of deputies by supreme, appellate and city court clerks—oath—bond.
26. Deputies of circuit, superior, criminal, county and probate court clerks—how appointed — removal — oath — bond—form of appointment.
27. Vacancy in the office of clerk—how filled.
28. Duties of clerk.

SECTION

29. Books and stationery for clerks of supreme and appellate courts—how procured.
30. Books and stationery for clerks of circuit, county, probate, etc., courts—how procured.
31. Books and stationery for clerks of city courts—how procured.
32. Clerks to furnish printed blanks free.
33. Duty of clerk going out of office—power of court to compel delivery of books and papers.
34. Clerk's office to have telephone—clerk to furnish information.

Sec. 23. CLERKS KEEPERS OF SEALS—MUST PERSONALLY ATTEND TO DUTIES

2 —OFFICE HOURS.] The clerks of the county, probate, city and circuit courts, the
 3 superior court of Cook county, the criminal court of Cook county, the supreme
 4 court and the appellate courts shall be the keepers of the seals of their respec-
 5 tive courts. They shall in all cases attend in person to the duties of their re-
 6 spective offices when it shall be practicable to do so, and each shall perform all
 7 the duties of his respective office which can reasonably be performed by one
 8 person. They shall keep their offices in the court houses or other places law-
 9 fully provided for the keeping of the same, and shall keep them open and
 10 attend to the business thereof from eight thirty o'clock, A. M., to five thirty
 11 o'clock, P. M. of each working day, except a legal holiday, and they shall afford
 12 sufficient facilities for the transaction of the business of their respective offices
 13 at such other hours as may be required by the judges of their respective courts.

Sec. 24. BOND AND OATH OF OFFICE.] Every such clerk shall, before enter-

2 ing upon the duties of his office, give bond with one or more sureties to be
 3 approved by the judge or one of the judges of the court of which he is clerk,
 4 which bond shall be in such penalty not less than five thousand dollars (\$5,000)
 5 as may be determined by such judge, payable to the People of the State of
 6 Illinois and conditioned for the faithful performance of the duties of his office.
 7 A bond so conditioned shall be construed as if conditioned that such clerk
 8 should pay over all moneys that might come to his hands by virtue of his
 9 office to the parties entitled thereto and deliver up all moneys, papers, books,
 10 records and other things appertaining to his office, whole, safe and undefaced,
 11 when lawfully required so to do, and that he should faithfully perform every
 12 duty and respond to every liability imposed upon him by virtue of his office.
 13 Such bond shall be filed in the office of the Secretary of State. Such clerk
 14 shall also, before entering upon the duties of his office, take and subscribe
 15 and file in the office of the Secretary of State the following oath or affirma-
 16 tion:

17 I do solemnly swear (or affirm as the case may be) that I will support
 18 the Constitution of the United States and the Constitution of the State of
 19 Illinois, and that I will faithfully discharge the duties of the office of clerk
 20 (here insert description of court of which he is clerk) according to the best
 21 of my ability.

Sec. 25. APPOINTMENT OF DEPUTIES BY SUPREME, APPELLATE AND CITY COURT
 2 CLERKS—OATH—BOND.] The clerks of the supreme court, appellate courts and
 3 city courts may, when necessary, appoint deputies who shall take the same oath
 4 or affirmation as is required of the principal clerk, which shall be filed in the
 5 office of the Secretary of State and such principal clerk shall, in all cases, be
 6 responsible for the acts of his deputies.

Sec. 26. DEPUTIES OF CIRCUIT, SUPERIOR, CRIMINAL, COUNTY AND PROBATE
 2 COURT CLERKS—HOW APPOINTED—REMOVAL—OATH—BOND—FORM OF APPOINTMENT.]
 3 In every county other than Cook county the clerk of each circuit, county and
 4 probate court shall appoint such number of deputies as may be determined by
 5 the judge thereof, or, if such court consists of more than one judge, then by a
 6 majority of such judges, and in Cook county the clerks of the circuit, county
 7 and probate courts, and of the superior court of Cook county, and of the crim-
 8 inal court of Cook county, shall appoint such number of deputies as may be
 9 determined by a rule of the circuit court of Cook county to be entered of
 10 record. Each of said courts shall have power, by an order entered of record,
 11 to remove any deputy clerk thereof whom the court, after due investigation
 12 and after full opportunity accorded such deputy clerk to be heard, shall find
 13 to be incompetent or unfit to discharge the duties of his office, or to have been
 14 guilty of oppression or extortion or other improper conduct in the discharge of
 15 the duties of his office; but at the request of any deputy so removed the evi-
 16 dence heard in respect to the charges against him shall be embodied in a re-
 17 port signed by the presiding judge and transmitted, together with a certified

18 copy of the order removing such deputy clerk, to the supreme court, which shall
 19 review the said order and affirm or reverse the same as justice may require.
 20 Any deputy clerk may likewise be removed by the clerk, but any deputy so
 21 removed may be restored to his position by an order signed by the judge of
 22 the court of which he is such deputy clerk, or, if such court consists of more
 23 than one judge, then by an order signed by a majority of the judges of such
 24 court. Each of such deputy clerks shall take the same oath or affirmation re-
 25 quired of the principal clerk and shall give a bond to be approved by one of
 26 the judges of said court, which bond shall be in such penalty, not less than
 27 two thousand dollars (\$2,000), as may be fixed by such judge, and shall be
 28 conditioned, as near as may be, like the bond required of the principal clerk
 29 and such bond shall also be filed in the office of the Secretary of State. An
 30 appointment of a deputy clerk shall be in substantially the following form:

31 CHICAGO, ILL., July 1, 1909.

32 This is to certify that John Smith has this day been appointed a deputy
 33 clerk of the circuit court of Cook county, Illinois.

34 Witness my hand and the seal of said
 35 court the day and year aforesaid:

36 [SEAL.]

WILLIAM JONES,

37 *Clerk of the Circuit Court of Cook County, Illinois.*

Sec. 27. VACANCY IN OFFICE OF CLERK—HOW FILLED.] When a vacancy

2 occurs in the office of clerk of any court of record whose unexpired term ex-
 3 ceeds one year the judge of such court, or, if such court consists of more than
 4 one judge, then a majority of such judges, by an order in writing signed by
 5 him or them and spread upon the records of the court, shall appoint a clerk
 6 pro tempore who shall qualify by giving bond and taking the oath as required
 7 by law of the clerk of such court, and thereupon such appointee shall per-
 8 form all the duties required of a duly elected clerk of such court and may

9 receive like emoluments and shall hold such office until some person is elected
 10 and qualified according to law to fill such vacancy. Whenever any such va-
 11 cancy occurs the judge thereof, or, if such court consists of more than one judge,
 12 a majority of such judges, shall forthwith notify the Governor of the vacancy,
 13 who, upon receiving such notice shall, as soon thereafter as may be practicable,
 14 issue a writ of election as in other cases. A vacancy in the office of clerk of
 15 any court of record, or the expiration of the term of office of any such clerk,
 16 shall not operate to terminate or otherwise interfere with the tenure of office
 17 of any deputy clerk, but every deputy clerk in office at the time of the occurring
 18 of such vacancy or expiration of the term of office of the principal clerk shall
 19 continue to hold his office of deputy clerk until he shall have been removed
 20 therefrom in the manner hereinbefore provided, or until his office shall have
 21 become vacant by death or resignation.

Sec. 28. DUTIES OF CLERK.] The clerks of all courts of record shall issue
 2 the process of their respective courts in the manner provided by law, attend
 3 the sessions thereof, preserve all the files and papers, and make, keep and
 4 preserve such records of the proceedings and determinations thereof as may
 5 be provided by this Act or as may be otherwise provided by law, and shall do
 6 and perform all other duties pertaining to their said offices which may be pre-
 7 scribed by law or by the rules and orders of their respective courts not incon-
 8 sistent with law.

Sec. 29. BOOKS AND STATIONERY FOR CLERKS OF SUPREME AND APPELLATE
 2 COURTS—HOW PROCURED.] The clerk of the supreme court and each clerk of the
 3 appellate court shall, from time to time, procure the books and stationery for
 4 his respective office and, when the same are not already provided for, sufficient
 5 facilities for the safe keeping of the archives of his respective office and the
 6 accounts therefor shall be certified by the court of which he is the clerk to the
 7 Auditor of Public Accounts, who shall draw his warrants on the State treasury

8 for the amount of the same, to be paid out of the appropriations that shall be
9 made therefor.

Sec. 30. BOOKS AND STATIONERY FOR CLERKS OF CIRCUIT, COUNTY, PROBATE, ETC.
2 —HOW PROCURED.] The clerk of each circuit, county and probate court and
3 the clerk of the superior court of Cook county and the clerk of the criminal
4 court of Cook county shall, from time to time, as may be necessary, procure
5 the proper books and stationery for his respective office under the superin-
6 tendence of the judge or judges of the court of which he is clerk, unless the
7 same are provided by the county board as provided by law.

Sec. 31. BOOKS AND STATIONERY FOR CLERKS OF CITY COURTS—HOW PROCURED.]
2 The clerk of each city court shall, from time to time, as may be necessary, pro-
3 cure the proper books and stationery for his office under the superintendence
4 of the judge of said court, and the expense thereof shall be paid out of the city
5 treasury on the certificate of such clerk approved by said judge.

Sec. 32. CLERK TO FURNISH PRINTED BLANKS FREE.] The clerk of each court
2 of record shall keep on hand and furnish on application and free of charge to
3 every attorney at law entitled to practice in such court printed blank forms of
4 praecipies, statements of claims, **entries** of appearance and specifications of **de-**
5 **fenses**, affidavits of claim, **of merits**, for replevin and for attachment, **bonds**,
6 summonses, attachment writs, **replevin** writs, executions, **petitions for changes**
7 of venue, motions and all other necessary papers for use in the **prosecution and**
8 **defense of actions in such court.**

Sec. 33. DUTY OF CLERK GOING OUT OF OFFICE—POWER OF COURT TO COMPEL
2 DELIVERY OF BOOKS AND PAPERS.] Whenever a clerk of any court shall go out of
3 office, it shall be his duty to deliver over to his successor, and of his successor
4 to demand and receive from him, all the books, papers, records and other
5 things appertaining to his office or in the possession of such outgoing clerk

5 by virtue of his office. Should any person herein required to give up the books,
 7 papers, records and other things as aforesaid refuse to do so on such applica-
 8 tion and demand, the court shall have power to use such compulsory pro-
 9 cess and take such measures as may be necessary to coerce the delivery afore-
 10 said according to the true intent and meaning hereof.

Sec. 34. CLERK'S OFFICE TO HAVE TELEPHONE—CLERK TO FURNISH INFORMA-
 2 TION.] The office of the clerk of every court of record shall be furnished with
 3 a telephone, or such number of telephones as may be necessary, for the use
 4 of attorneys and parties to actions in the transaction of the business of
 5 the court. Any attorney at law, or any party to any action in such court, may
 6 apply, either in person or by telephone or otherwise, for any information re-
 7 specting the proceedings in such action or the papers filed therein which such
 8 attorney or party may deem necessary, and such clerk shall furnish such in-
 9 formation without charge being made therefor: *Provided, however, that any*
 10 *attorney or party applying by telephone for information at such distance from*
 11 *the clerk's office as to require the payment of telephone toll shall pay the same:*
 12 *And, provided, further, that nothing herein contained shall be construed to re-*
 13 *quire the clerk to furnish copies of documents without payment therefor at the*
 14 *rate fixed therefor by this Act.*

DIVISION III.

THE POWERS AND DUTIES OF SHERIFFS.

SECTION

- 35. Custody of court house, etc.—execution of process—attendance on courts—office hours.
- 36. Bond—oath.
- 37. Deputies—how appointed and removed—oath—bond.
- 38. Vacancies in office of sheriff—how filled.
- 39. Sheriff or deputy not to act as attorney.

SECTION

- 40. Sheriff or deputy not to purchase at sheriff's sale.
- 41. Unreasonable neglect to pay money.
- 42. Sheriff going out of office to deliver books, etc., to successor.
- 44. Power of deputy in case of vacancy.
- 45. Persons not citizens, etc., not to be deputies.

Sec. 35. CUSTODY OF COURT HOUSE, ETC. - EXECUTION OF PROCESS—ATTEND

ANCE ON COURTS OFFICE HOURS.] The sheriff of each county shall have the custody and care of the court house and jail of his county except as is otherwise provided by law, and shall serve and execute within his county and return all writs, warrants, processes, orders and decrees of every description which may be legally delivered to him for service or execution. He shall, in person or by deputy, attend all the courts of record which may be held in his county, whenever so required by said courts, and shall obey the lawful orders and directions of each of said courts: *Provided, however,* that the sheriff of Cook county shall not be required to attend the municipal court of Chicago. He shall keep his office and the branches thereof in the court house or other place or places lawfully provided for the keeping of the same, and shall keep them open and attend to the business thereof from eight-thirty o'clock a. m. to five-thirty o'clock p. m. of each working day except a legal holiday, and he shall afford sufficient facilities for the transaction of the business of his office at such other hours as may be required by the judges of the respective courts. He shall attend in person to the duties of his office when it shall be practicable to do so and shall perform all the duties thereof which can reasonably be performed by one person.

Sec. 36. BOND—OATH.] Every sheriff shall, before entering upon the duties of his office, give bond with two or more sureties to be approved by the judge of the county court of his county in the penal sum of ten thousand dollars (\$10,000), except that the bond of the sheriff of Cook county shall be in the penal sum of one hundred thousand dollars (\$100,000), and be approved by the judges of the circuit court of Cook county, payable to the People of the State of Illinois, conditioned that he will faithfully discharge all the duties required or to be required of him by law as such sheriff. A bond so conditioned shall be construed as if conditioned that such sheriff should pay over all moneys that might come to his hands by virtue of his office to the parties

entitled thereto and deliver up all moneys, papers, books, records and other things appertaining to his office, whole, safe and undefaced when lawfully required so to do, and that he should faithfully perform every duty and respond to every liability imposed upon him by virtue of his office. Such bond shall be entered upon the records of the county court and filed in the office of the clerk of the county court of his county. Such sheriff shall also, before entering upon the duties of his office, take and subscribe and file in the office of the Secretary of State the following oath or affirmation:

I do solemnly swear (or affirm, as the case may be) that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of sheriff of (here insert name of county) county according to the best of my ability.

Sec. 37. DEPUTIES—HOW APPOINTED AND REMOVED—OATH—BOND.1 In every county other than Cook county the sheriff shall appoint such number of deputies as may be determined by a majority of the judges of the circuit court of said county and the sheriff of Cook county shall appoint such number of deputies and assistants as shall be determined by a rule of the circuit court of Cook county to be entered of record. The circuit court of each county and also the superior court of Cook county shall have power, by an order entered of record, to remove any deputy sheriff or assistant of the sheriff of such county whom the court, after due investigation and after full opportunity accorded such deputy sheriff to be heard, shall find to be incompetent or unfit to discharge the duties of his office or to have been guilty of oppression or extortion or other improper conduct in the discharge of the duties of his office; but in such case, at the request of such deputy sheriff or other assistant, the evidence heard in respect to the charges against him shall be embodied in a report signed by the presiding judge and transmitted, together with a certified copy of the order removing such deputy sheriff or other assistant, to the supreme court which

shall review the said order and proceedings and affirm or reverse the same as justice may require. Any deputy sheriff or other assistant of the sheriff may likewise be removed by the sheriff, but any deputy so removed may be restored to his position by an order signed by a majority of the judges of the circuit court of the county in which such deputy or other assistant is appointed, or, in Cook county, by a majority of the judges of the circuit and superior courts of said county. Each of such deputy sheriffs or other assistants shall take the same oath or affirmation required of the sheriff and shall give a bond to be approved by the judge of the county court of his county, except that such bond of a deputy sheriff of Cook county shall be approved by the judges of the circuit court of said county, in such penalty, not less than five thousand dollars (\$5,000), as may be fixed by such judge or judges and shall be conditioned, as near as may be, like the bond required of the sheriff and such bond shall also be filed in the office of the Secretary of State. An appointment of a deputy sheriff shall be in substantially the following form:

CHICAGO, ILLINOIS, July 1, 1909.

This is to certify that John Smith has this day been appointed a deputy sheriff of Cook county, Illinois.

WILLIAM JONES,

Sheriff of Cook County, Illinois.

Sec. 38. VACANCIES IN OFFICE OF SHERIFF—HOW FILLED.] When a vacancy

occurs in the office of sheriff of any county whose unexpired term exceeds one year, a majority of the judges of the circuit court of such county, or in Cook county a majority of the judges of the circuit and superior courts of said county, by an order in writing signed by them and spread upon the records of the circuit court of such county, shall appoint a sheriff pro tempore, who shall qualify by giving bond and taking the oath as required by law of the sheriff of said county; and thereupon such appointee shall perform all the duties required of a duly elected sheriff of such county and may receive like compensation; and shall hold such office until some person is elected and qualified accord-

ing to law to fill such vacancy. Whenever any such vacancy occurs the majority of said judges shall forthwith notify the Governor of the vacancy, who, upon receiving such notice, shall, as soon thereafter as may be practicable, issue a writ of election as in other cases. A vacancy in the office of sheriff of any county, or the expiration of the term of office of any such sheriff, shall not operate to terminate or otherwise interfere with the tenure of office of any deputy sheriff, but every deputy sheriff in office at the time of the occurring of such vacancy, or expiration of the term of office of the sheriff, shall continue to hold his office of deputy sheriff until he shall have been removed therefrom in the manner hereinbefore provided or until his office shall have become vacant by death or resignation.

Sec. 39. SHERIFF OR DEPUTY NOT TO ACT AS ATTORNEY.] No sheriff or deputy sheriff shall appear in any court as attorney or counsel for any party or become surety for any person in any civil or criminal action or proceeding.

Sec. 40. SHERIFF OR DEPUTY NOT TO PURCHASE AT SHERIFF'S SALE.] No sheriff or deputy sheriff shall become the purchaser, nor procure any other person to become the purchaser for him, of any property, real or personal, by him exposed to sale by virtue of any execution or other process; and all such purchases made by any sheriff or deputy sheriff, or by any other person in his behalf, shall be absolutely null and void.

Sec. 41. UNREASONABLE NEGLECT TO PAY MONEY.] If any sheriff unreasonably neglects to pay any money collected by him on execution, fee bill or process, when demanded by the person entitled to receive the same, he may be proceeded against in the court from which the execution, fee bill or process issues as for a contempt; and he shall also forfeit to the person injured five times the lawful interest of the money, from the time of the demand until paid, which may be recovered by action upon his bond or against the sheriff alone in any court of competent jurisdiction.

Sec. 42. SHERIFF GOING OUT OF OFFICE TO DELIVER BOOKS, ETC., TO SUCCESSOR.]

2 When a sheriff goes out of office he shall deliver to his successor all writs,
 3 process, papers and property attached and levied upon, except such as he is
 4 authorized by law to retain, and also the possession of the court house and
 5 jail of his county, and shall take from his successor a receipt specifying the
 6 papers and property so delivered over and the prisoners in custody, if any.
 7 which receipt shall be sufficient indemnity to the person taking the same.

Sec. 43. POWER OF OUTGOING SHERIFF AS TO WRITS.] Every sheriff going out

2 of office at the expiration of his term and having any execution or fee bill
 3 which he may have levied but not collected, or any tax writs uncollected and
 4 which he is authorized to collect, may proceed and collect the same in the same
 5 manner as if his term of office had not expired.

Sec. 44. POWER OF DEPUTY IN CASE OF VACANCY.] In case of a vacancy in

2 the office of sheriff every deputy in office under him having a writ or process
 3 in his hands at the time such vacancy happens, shall have the same authority
 4 and be under the same obligation to serve, execute and return the same as if
 5 the sheriff had continued in office.

Sec. 45. PERSONS NOT CITIZENS, ETC., NOT TO BE DEPUTIES.] It shall be un-

2 lawful for the sheriff of any county to authorize, empower, employ or per-
 3 mit any person to act as deputy sheriff who is not a citizen of the United States
 4 and who has not been an actual resident of the county where such person is
 5 authorized to act as deputy sheriff one whole year before such authorization.
 6 Any sheriff violating the provisions of this section shall be deemed guilty of a
 7 misdemeanor and shall, on conviction thereof, be punished by a fine of not less
 8 than one hundred dollars (\$100) and not more than five hundred dollars (\$500).

DIVISION IV.

MASTERS IN CHANCERY.

SECTION

- 46. Number and appointment of masters.
- 47. How selected—good moral character and competency required.
- 48. Term of office—removal—first appointment.
- 49. Vacancies—how filled.
- 50. Qualifications required.
- 51. Bond.
- 52. Special master—when appointed.

SECTION

- 53. Power of masters.
- 54. Death of master—power of successor.
- 55. Salaries—how fixed—fees to be accounted for.
- 56. Fees to be collected in advance—exceptions—master personally responsible.
- 57. To be provided with rooms, stationery, etc.—expenses to be paid out of county treasury.
- 58. When master may not practice law.

Sec. 46. NUMBER AND APPOINTMENT OF MASTERS.] The several circuit
 2 courts may appoint, in the respective counties in their circuits, a master in chan-
 3 cery, and the circuit court of Cook county and the superior court of Cook
 4 county may appoint for their respective courts such number of masters in
 5 chancery as may be necessary for the transaction of the business thereof and
 6 of such other business as they may be required by this Act to transact: *Pro-*
 7 *vided, however,* that the number of masters in chancery of the circuit court of
 8 Cook county and the number of masters in chancery of the superior court of
 9 Cook county shall not exceed one for every two judges of said respective
 10 courts. Such masters in chancery shall be residents of the respective counties
 11 in and for which they are appointed, and shall be *ex officio* masters in chancery
 12 of the county and probate courts of their respective counties.

Sec. 47. HOW SELECTED—GOOD MORAL CHARACTER AND COMPETENCY REQUIRED.]

2 Masters in chancery shall be selected by the judges of the respective courts
 3 by which they are appointed in such manner as, in the opinion of said judges,
 4 will best promote promptness and efficiency in the performance by the persons
 5 selected of the duties of their respective offices. No person shall be so selected

6 without having first furnished to the judges making the selection satisfactory
7 evidence of good moral character and of his competency to satisfactorily per-
8 form the duties of the office to which he is to be appointed.

Sec. 48. TERM OF OFFICE—REMOVAL—FIRST APPOINTMENTS.] The tenure of
2 office of masters in chancery shall be six years, but they may be removed from
3 office at any time by an order signed by a majority of the judges of the court
4 in and for which they are appointed whenever, in the opinion of such judges,
5 their removal is in the interest of a prompt and efficient administration of jus-
6 tice. The first appointments of masters in chancery under this Act shall be
7 made for the term of six years, commencing on the second day of January,
8 A. D. 1912.

Sec. 49. VACANCIES—HOW FILLED.] When a vacancy occurs in the office of
2 a master in chancery the court shall fill the vacancy by appointment as soon
3 thereafter as conveniently may be, and the person so appointed shall hold the
4 office for the balance of the term for which his predecessor in office was
5 appointed.

Sec. 50. QUALIFICATIONS REQUIRED.] No person shall be appointed a master
2 in chancery unless he shall have been duly licensed to practice as an attorney
3 at law in this State, nor unless he shall have been engaged, either in actual
4 practice as an attorney at law or in the discharge of the duties of a judicial
5 office, or of the office of master in chancery, for at least five years, or in one
6 of such occupations during a portion of said time and in the other or others
7 the remaining portion thereof, and shall have been a resident of this State for
8 five years next preceding his appointment.

Sec. 51. BOND.] Every master in chancery, before entering on the duties
2 of his office, shall give bond with security to be approved by the court and take

3 and subscribe an **oath of office**, **which** bond and oath shall be filed with the
 4 clerk of the court **making the appointment** and spread upon the records thereof.

Sec. 52. SPECIAL MASTER—WHEN APPOINTED.] Whenever it shall happen
 2 that there is no master in **chancery** in any county, or when such master shall
 3 be of counsel or of kin to either **party** interested, or otherwise disqualified or un-
 4 able to act, in any action or matter, the court may appoint a special master to
 5 perform the duties of the office in all things concerning such **action or matter**.

Sec. 53. POWERS OF MASTERS.] Masters in chancery in their respective coun-
 2 ties shall have authority to take depositions, both in law and in equity, and to ad-
 3 minister oaths, to **compel the attendance** of witnesses, take **acknowledgments**
 4 **of deeds and other instruments in writing**, and, in the absence from the **county**
 5 of the judge, to order the issuing of writs of habeas corpus and *ne exeat* and to
 6 enter injunction orders and perform all other duties which, according to the laws
 7 of this State and the practice of the courts of equity, pertain to the office, or
 8 which they may be authorized to perform by other provisions of this Act. They
 9 shall also have power in their respective counties, upon application in such
 10 manner as may be provided by law, to grant orders for the issuing of writs of
 11 certiorari to remove causes from before justices of the peace into the proper
 12 court.

Sec. 54. DEATH OF MASTER—POWER OF SUCCESSOR.] When any master in
 2 chancery shall die, resign his office or be removed therefrom or remove from
 3 the county and shall leave any business pertaining to his office unfinished, it
 4 shall be lawful for his successor in office to do any act or acts coming within
 5 the duties of the master which may be necessary to the final completion of such
 6 unfinished business.

Sec. 55. SALARIES—HOW FIXED—FEES TO BE ACCOUNTED FOR.] Each master
 2 in chancery shall receive such salary as shall be fixed by a majority of the

3 judges of the court by which he is appointed, which salary shall be not less
 4 than six hundred dollars (\$600) per annum nor more than seven thousand dol-
 5 lars (\$7,000) per annum. Of the salary so fixed five hundred dollars (\$500)
 6 per annum shall be payable quarterly out of the State treasury and the balance
 7 shall be payable quarterly out of the county treasury of the county in which such
 8 master is appointed. Every master in chancery shall charge, receive and col-
 9 lect for his services such fees and compensation as may, from time to time, be
 10 specified and fixed by law, and shall keep accurate and itemized accounts there-
 11 of, and the fees collected by him in every period of one month shall, within ten
 12 days after the termination of such period, be paid by him into the county
 13 treasury of the county in and for which he is appointed. The accounts of every
 14 master in chancery shall be audited under the direction and supervision of the
 15 court in and for which he is appointed as often as the judges of said court may
 16 deem necessary, such audit to be made at the expense of the county in and for
 17 which he is appointed.

Sec. 56. FEES TO BE COLLECTED IN ADVANCE—EXCEPTIONS—MASTER PERSON-
 2 ALLY RESPONSIBLE.] Each master in chancery shall collect in advance the costs
 3 and charges required by this Act, excepting as may be herein otherwise provided,
 4 and shall be personally responsible for all such fees as he shall have so failed
 5 to collect in advance.

Sec. 57. TO BE PROVIDED WITH ROOMS, STATIONERY, ETC.—EXPENSES TO BE PAID
 2 OUT OF COUNTY TREASURY.] Every master shall, under the direction and super-
 3 vision of the judges of the court for which he is appointed, be provided with
 4 suitable rooms for the transaction of the business of his office and all necessary
 5 stationery, typewriting machines and other suitable appliances and supplies
 6 therefor and be allowed, in addition to his salary, all other expenses which may
 7 be deemed necessary or proper by such judges, and the same shall be paid out
 8 of the county treasury on the order of the superintending judge of the court, or,

9 if there be a business manager of such court, on the order of such business
10 manager.

Sec. 58. WHEN MASTER MAY NOT PRACTICE LAW.] Whenever the business
2 to be disposed of without trials by jury in any court by which a master in
3 chancery or several masters in chancery is or are appointed is such as to occupy
4 the time of one or more judges of said court during the entire year, no master
5 in chancery of such court shall be permitted to practice as an attorney at law
6 during his continuance in office as such master in chancery.

DIVISION V.

STENOGRAPHIC AND TYPEWRITING DEPARTMENT.

SECTION

59. Power and duty of judges to establish.
60. Stenographers and typewriters—how selected—removal—certificate of appointment—bond—oath.
61. Salaries fixed by judges—temporary employment—traveling and other expenses—business manager.
62. Duties of stenographers and typewriters.
63. No perquisites aside from salary—no discrimination.
64. May take depositions.

SECTION

65. Fees.
66. Judges to prescribe rules.
67. Work may be extended to other courts—work for attorneys.
68. Suitable rooms, typewriting machines, etc., to be provided.
69. Receipts to be paid to circuit clerk—disposition of surplus—making up of deficit.
70. Intention of act—power of judges.
71. Inspection and audit of accounts.

Sec. 59. POWER AND DUTY OF JUDGES TO ESTABLISH.] The judges of the
2 circuit court of each circuit outside of Cook county shall have power and it
3 shall be their duty to organize and establish a stenographic and typewriting de-
4 partment for such circuit, and the judges of the circuit and superior courts of
5 Cook county shall have power and it shall be their duty to jointly organ-
6 ize and establish a stenographic and typewriting department for such county,
7 for the performance of such work pertaining to stenographic reporting and

8 typewriting as such judges may deem necessary for the prompt and proper ad-
 9 ministration of justice in said respective courts, and, in Cook county, also in the
 10 criminal court of Cook county.

Sec. 60. STENOGRAPHERS AND TYPEWRITERS—HOW SELECTED—REMOVAL—CER-
 2 TIFICATE OF APPOINTMENT—BOND—OATH.] The stenographers and typewriters for
 3 every such department shall be selected by the judges of the respective circuits
 4 in which they are employed, or, in Cook county, by the judges of the circuit
 5 and superior courts jointly, and their selection shall be made in such manner
 6 as, in the opinion of said judges, will best promote efficiency in the perform-
 7 ance of such stenographic and typewriting work, and no such stenographer or
 8 typewriter shall be so selected without having first furnished to the judges
 9 making the selection satisfactory evidence of good moral character and of his
 10 or her competency to satisfactorily perform the work for which he or she may
 11 be so employed. No stenographer or typewriter shall be so selected for politi-
 12 cal reasons, or for any other consideration than his or her character and com-
 13 petency as aforesaid. As soon as may be practicable after the taking effect of
 14 this Act, the judges of the circuit court of each circuit, and the judges of the
 15 circuit and superior courts of Cook county, shall establish for their respective
 16 circuits, or for Cook county, as the case may be, rules for the selection of such
 17 stenographers and typewriters by means of competitive examinations: *Provided*,
 18 *however*, that such number of stenographers and typewriters as said respective
 19 judges may determine, not exceeding eight in any one circuit, or in Cook county,
 20 as the case may be, may be selected in the discretion of the said respective judges
 21 and without such competitive examination. All stenographers and typewriters
 22 employed shall be subject to removal at the pleasure of a majority of the
 23 judges by whom they shall have been selected. Every stenographer so selected
 24 shall receive from the clerk of the circuit court of the county in which he or
 25 she is appointed a certificate of his or her appointment, the form of which shall

26 be prescribed by the judges of the circuit court, and he or she shall have power
 27 to administer oaths and to take and certify depositions. Before entering upon
 28 the discharge of his or her duties he or she shall file with the clerk of the
 29 circuit court a bond in the penal sum of one thousand dollars (\$1.000), pay-
 30 able to the People of the State of Illinois, with security to be approved by one
 31 of the judges of the circuit court, conditioned for the faithful performance of
 32 his or her duties as court stenographer, and shall take, subscribe and file with
 33 said clerk the following oath:

34 I (here insert name) do solemnly swear (or affirm, as the case may be)
 35 that I will support the constitution of the United States and of the State of
 36 Illinois and that I will faithfully discharge the duties of court stenographer in
 37 and for the (here insert number) judicial circuit, (or, in and for the county
 38 of Cook, as the case may be,) to the best of my ability.

Sec. 61. SALARIES FIXED BY JUDGES—TEMPORARY EMPLOYMENT—TRAVELLING
 2 AND OTHER EXPENSES—BUSINESS MANAGER.] Such stenographers and typewriters
 3 shall receive, as compensation for their services, salaries which shall be fixed
 4 and determined by said judges, according to the character of the work per-
 5 formed by such stenographers and typewriters, at such sums as the respective
 6 judges may deem necessary to secure the prompt and proper performance of
 7 such stenographic and typewriting work and as may be proportioned to the
 8 skill, ability and capacity for work of the persons employed, each person em-
 9 ployed to be paid according to his own individual capacity, as near as may be:
 10 *Provided, however,* that no greater number of stenographers and typewriters
 11 shall be permanently so employed than may, in the opinion of said judges, be
 12 needed for the transaction of the ordinary business of the court and that said
 13 judges may provide, from time to time, for the temporary employment of addi-
 14 tional stenographers and typewriters and fix their compensation, whenever an
 15 unusual amount of business to be transacted or work to be done may, in the
 16 opinion of said judges, render such course necessary or expedient. In addition

to the salaries and compensation in this section provided for, the judges may allow to such stenographers and typewriters their actual traveling and other necessary expenses, the same to be ascertained and fixed in such manner as the judges may prescribe, and, in cases of emergency, requiring unusual hours of labor by such stenographers and typewriters, may allow them such additional compensation therefor as said judges may deem reasonable and just. Whenever, in the opinion of the majority of the judges of the circuit court of any circuit, or whenever, in Cook county, in the opinion of a majority of the judges of the circuit court and of the superior court of Cook county, the business of the stenographic and typewriting department is sufficient to justify it, a business manager may be appointed for such stenographic and typewriting department, who shall have such powers, perform such duties and receive such compensation as may be prescribed by a majority of said judges. and said judges may, in their discretion, compensate such business manager in part by a percentage of the receipts of such stenographic and typewriting department or of such receipts over and above the expenses thereof, or may adopt such other method of compensation as, in their judgment, may be best calculated to promote efficiency and economy in the management of the business of such department.

Sec. 62. DUTIES OF STENOGRAPHERS AND TYPEWRITERS.] The duties of stenographers and typewriters so employed shall consist in taking down stenographically such proceedings of the respective courts, such depositions and such proceedings before the masters in chancery thereof as the judges or the parties to actions or their attorneys, may require to be taken down stenographically and in making such transcripts from their stenographic notes as may be required by the judges, or by parties to actions or their attorneys, also in making typewritten copies of papers and records in the offices of the clerks and sheriffs whenever such typewritten copies may be needed, and in the performance of all such other stenographic and typewriting work in matters connected with the administration of justice in said respective courts, including work in the offices

12 of State's attorneys and county **attorneys**, as they may be required to perform
 13 by or under the direction of said **judges**, and the hours of labor of such sten-
 14 ographers and typewriters shall **be so** fixed and determined by the judges as to
 15 secure the prompt performance of the work of such stenographic and type-
 16 writing department and first-class **service** to parties to actions and to their
 17 **attorneys**.

Sec. 63. NO PERQUISITES ASIDE FROM SALARY—NO DISCRIMINATION.] No sten-
 2 ographer or typewriter so employed shall receive, aside from the salary or com-
 3 pensation authorized to be paid to him by this Act, any money, property, or
 4 other valuable thing, as a **gratuity** or otherwise, for the performance of any
 5 duty imposed upon him by virtue of his employment or for the performance of
 6 any work of any kind or character in any manner connected therewith, nor
 7 shall any such stenographer or typewriter, in the performance of any work
 8 connected with his employment, **exercise** any discrimination of any kind or char-
 9 acter in favor of any party to any **action**, attorney or other person, excepting
 10 in so far as such discrimination **may** be authorized by any rule adopted by
 11 the judges pertaining to such stenographic and typewriting department.

Sec. 64. MAY TAKE DEPOSITIONS.] A deposition may be **taken** before and
 2 certified to by a stenographer in **such** stenographic and typewriting department
 3 in accordance with **such** regulations **as** may be prescribed by the judges.

Sec. 65. FEES.] The fees and charges for services rendered by any sten-
 2 ographic and typewriting department shall be such as are hereinafter pre-
 3 scribed, or as may be provided, from time to time, by law.

Sec. 66. JUDGES TO PRESCRIBE RULES.] It shall be the duty of the judges by
 2 whom any stenographic and typewriting department is established to prescribe
 3 such rules and regulations as **may** be needful for the prompt collection of and
 4 accounting for the fees and charges specified in the preceding section.

Sec. 67. WORK MAY BE EXTENDED TO OTHER COURTS—WORK **FOR ATTORNEYS.**]

2 The said respective judges **may, by** rules and regulations, extend the work of
 3 such stenographic and typewriting department so as to include all stenographic
 4 and typewriting work which **may be** deemed necessary in any other court or
 5 courts of record within their respective circuits or within the county of Cook,
 6 as the case may be, in which case the costs and charges in this Act pro-
 7 vided for the work of said stenographic and typewriting department shall be
 8 made applicable to such other courts, and may, and, when practicable, shall
 9 likewise provide for the performance by such stenographic and typewriting
 10 department of stenographic and typewriting office work for attorneys at law
 11 authorized to practice in the courts of this State, when such work pertains to
 12 actions or proceedings in the courts for which such department is organized
 13 and when the same may be done without interfering with or delaying the reg-
 14 ular work of such department.

Sec. 68. SUIABLE ROOMS, TYPEWRITING MACHINES, ETC., TO BE PROVIDED.]

2 Suitable rooms for the performance by the employes of the stenographic and
 3 typewriting department of the work they may be required to perform, and all
 4 necessary typewriting machines, graphophones and other suitable appliances
 5 and stationery and other materials shall be provided by the judges thereof, the
 6 expenses thereof to be paid as hereinafter provided.

Sec. 69. RECEIPTS TO BE PAID TO CIRCUIT CLERK—DISPOSITION OF SURPLUS

2 —MAKING UP OF DEFICIT.] All receipts of every such typewriting department
 3 in each county shall be paid to the clerk of the circuit court of the county in
 4 which the work from which such receipts arise is performed, and shall be held
 5 and disposed of by such clerk in such manner as the judges of such circuit court
 6 in each circuit outside of Cook county, or in Cook county in such manner as
 7 the judges of the circuit and superior courts of said county jointly may, by
 8 rule, provide, and the same shall be used, so far as may be necessary, by said

9 judges in the payment of the salaries, compensation and expense accounts of
 10 stenographers and typewriters and all other expenses of said respective steno-
 11 graphic and typewriting department hereinbefore provided for. At the end of
 12 each three months the respective judges shall ascertain the total receipts and
 13 expenditures of the stenographic and typewriting departments in their respect-
 14 ive circuits, or in Cook county, as the case may be, and if such receipts exceed
 15 the expenditures, the balance of receipts, after deducting such expenditures,
 16 shall, in each circuit outside of Cook county, be divided among the counties
 17 composing such circuit in proportion to their respective populations, as ascer-
 18 tained by the next preceding census, whether State or federal, and the amount
 19 apportioned to each county paid into its county treasury, and in Cook county,
 20 the entire amount of such balance shall be paid into the county treasury, but
 21 if, in any circuit outside of Cook county, the expenditures shall exceed such
 22 receipts, the deficit shall be apportioned in like manner among the counties of
 23 such circuit, and shall be paid by the respective county treasurers out of the
 24 respective county treasuries in such manner as such judges may, by rule, pre-
 25 scribe, and if, in Cook county, the expenditures shall exceed the receipts, the
 26 amount of such deficit shall be paid out of the county treasury of Cook county
 27 by the county treasurer of such county in such manner as the judges of the cir-
 28 cuit and superior courts of Cook county may, by rule, prescribe.

Sec. 70. INTENTION OF ACT—POWER OF JUDGES.] It is hereby declared to
 2 be the intention of this act that the business of every such stenographic and type-
 3 writing department shall be managed and carried on with the same care and
 4 prudence with which any prudent private individual or any well managed pri-
 5 vate corporation would carry on the business of any similar department in his
 6 or its business, that the same shall be furnished with all the most modern ap-
 7 pliances and be first class and up-to-date in every particular, and that parties
 8 to actions and their attorneys and all other persons entitled to the services of
 9 any such stenographic and type-writing department, shall be served thereby

10 as promptly and efficiently as they would reasonably expect to be served if such
11 stenographic and type writing department were under the management of a
12 prudent private individual or of a well managed private corporation whose in-
13 terest it was to furnish prompt and efficient service, and the said judges of the
14 circuit courts and of the superior court of Cook county are hereby vested with
15 all powers, in addition to those herein expressly conferred, which, in their judg-
16 ment, are necessary for the carrying into effect of said intention.

Sec. 71. INSPECTION AND AUDIT OF ACCOUNTS.] The judges of the circuit
2 court in each circuit and, in Cook county, the judges of the circuit and super-
3 ior courts jointly, shall provide in each circuit and in Cook county for the in-
4 spection and auditing of the accounts pertaining to the stenographic and type-
5 writing department in each circuit and in Cook county, and also for the auditing
6 and inspection of the accounts of the clerks and masters in chan-
7 cery of their respective courts and of the sheriffs, official receivers and
8 public administrators of their respective counties. The expense of such audit-
9 ing and inspection shall be paid out of the receipts of the respective steno-
10 graphic and type-writing departments. The judges of any two or more circuits,
11 if they find it expedient or economical so to do, may employ one or more persons
12 for the auditing and inspection of the accounts in such circuits, the expenses
13 thereof to be divided between such circuits in such manner as said judges may
14 deem just and proper.

DIVISION VI.

THE SUPREME AND APPELLATE COURT REPORTERS.

SECTION

- 72. Reporter of Supreme Court to receive salary—no other emoluments—exception—duties.
- 73. Reporter of appellate court—duties—salary.
- 74. Illinois reports limited to four volumes annually.
- 75. Appellate court reports limited to four volumes annually.
- 76. Rules for selection and publication of opinions.

SECTION

- 77. Syllabus—statement of facts—other opinions.
- 78. Table of cases and index.
- 79. Digests.
- 80. Advance sheets.
- 81. Distribution of reports.
- 82. Sales of copies of reports.
- 83. Assistants of reporters—salaries—how fixed.
- 84. Expenses of printing, etc., to be paid out of attorneys' fund.

Sec. 72. REPORTER OF SUPREME COURT TO RECEIVE SALARY—NO OTHER EMOLU-
 2 MENTS—EXCEPTION—DUTIES.] From and after the first day of January, 1912,
 3 the reporter of the decisions of the supreme court shall receive a salary of ten
 4 thousand dollars (\$10,000) per annum, payable in quarterly installments, out
 5 of the State treasury, and shall receive, neither directly nor indirectly, any ad-
 6 ditional profits or emoluments by virtue of his office other than such as he may
 7 receive from the publication of the volumes of the Illinois Reports containing
 8 decisions of the supreme court rendered prior to the taking effect of this Act.
 9 It shall be the duty of such reporter to report, publish and distribute, or cause
 10 to be reported, published and distributed, subject to the provisions herein-
 11 after contained, the decisions of the supreme court and to perform such other
 12 work as may be hereinafter provided to be performed by him or as may be re-
 13 quired of him by the court.

Sec. 73. REPORTER OF APPELLATE COURTS—DUTIES—SALARY.] . Immediately
 2 after the taking effect of this Act the supreme court shall appoint a reporter
 3 of the decisions of the appellate courts. Such appointment may be made either
 4 in term time or in vacation. It shall be the duty of such reporter to report,
 5 publish and distribute, or cause to be reported, published and distributed, sub-

ject to the provisions hereinafter contained, the decisions of the appellate courts of this State rendered after the taking effect of this Act, and to perform such other work as may be hereinafter provided to be performed by him or as may be required of him by the court. He shall receive a salary of six thousand dollars (\$6,000) per annum, which shall be payable in quarterly installments, out of the State treasury.

Sec. 74. ILLINOIS REPORTS LIMITED TO FOUR VOLUMES ANNUALLY.] After the completion of the publication of the decisions of the supreme court rendered prior to the taking effect of this Act, no more than four volumes of the decisions of said court shall be published in any one year. Each of said volumes shall contain, including a table of cases and index, not less than seven hundred and fifty (750) pages and not more than eight hundred (800) pages, and the size of the type, the quality of paper and the binding thereof shall be such as may be prescribed by the supreme court. The opinions to be published in each volume shall be such only as the judges of the supreme court shall, in accordance with the provisions hereinafter contained, direct to be published therein.

Sec. 75. APPELLATE COURT REPORTS LIMITED TO FOUR VOLUMES ANNUALLY.] After the completion of the publication of the decisions of the appellate courts rendered prior to the taking effect of this Act no more than four volumes of the decisions of said courts shall be published in any one year. Each of said volumes shall be of substantially the same size, be printed from similar type and upon the same quality of paper and be bound in substantially the same manner as the volumes of the decisions of the supreme court. The opinions to be published in each volume thereof shall be such only as may be selected by said reporter with the approval of the judges of the supreme court.

Sec. 76. RULES FOR SELECTION AND PUBLICATION OF OPINIONS.] In the selection of opinions of the supreme court and of the appellate courts for publi-

3 cation, and the publication of the same as aforesaid, the following rules shall
4 be observed:

5 *First*—DISCUSSION OF EVIDENCE.] No opinion, or portion of an opinion, of
6 either court shall be so selected for publication which shall consist of a discus-
7 sion of evidence upon any controverted question or questions of fact.

8 *Second*—REPEATING PREVIOUSLY ANNOUNCED RULES.] No opinion or portion
9 of an opinion of either court which pertains to a question or questions of law
10 shall be so selected for publication, unless the same announces a rule or prin-
11 ciple of law not previously announced by the supreme court or is an applica-
12 tion of a rule or principle of law previously announced by the supreme court
13 to facts to such an extent different from the facts arising in cases previously
14 decided by said court, as, in the judgment of the judges of the supreme court,
15 to render the publication of such opinion advantageous.

16 *Third*—QUOTATIONS.] No opinion, or portion of an opinion, of either court
17 shall be so selected for publication which consists of a quotation or quotations
18 from previously published opinions of either of said courts, excepting when the
19 language quoted is set forth for the purpose of explaining the same or of modi-
20 fying or overruling the decision announced thereby.

21 *Fourth*—DISSENTING OPINIONS.] No dissenting opinion of any judge shall
22 be so selected for publication.

23 *Fifth*—APPELLATE COURT OPINIONS.] No opinion or portion of an opinion
24 of any appellate court shall be so selected for publication prior to the expira-
25 tion of the time within which an appeal to the supreme court may be perfected
26 from the judgment of the appellate court in the action in which such opinion
27 has been filed, and not thereafter if, within the time allowed for such appeal,
28 the same be perfected, until the final determination of the action in the su-
29 preme court, unless the supreme court shall otherwise direct.

30 *Sixth*—ADOPTION OF APPELLATE COURT OPINION.] No opinion or portion of
31 an opinion of the supreme court shall be so selected for publication when the

32 same consists merely of the adoption and quotation by the supreme court of
 33 the opinion of an appellate court, but in such case the opinion so adopted and
 34 quoted may be published in the appellate court reports, if the same is one au-
 35 thorized by this Act to be so published, and the report thereof in the Illinois
 36 Reports shall be limited to a statement that the opinion of the appellate court
 37 was so adopted, and giving the result of the decision of the supreme court.

38 *Seventh*—OMITTING PORTIONS.] When any opinion is filed only a portion of
 39 which is permitted to be published in accordance with the foregoing rules, such
 40 opinion, before publication, shall be modified or changed so as to omit therefrom
 41 the portion or portions the publication of which would conflict with said rules.

Sec. 77. SYLLABUS—STATEMENT OF FACTS—OTHER PARTICULARS.] Every opin-
 2 ion so selected for publication as aforesaid, when published as aforesaid, shall
 3 be preceded by a syllabus, in such number of divisions as may be necessary,
 4 briefly and concisely stating the point or points of law determined in the opin-
 5 ion and also by a brief and concise statement of the facts appearing in the
 6 action and necessary to the understanding of the application of the rules or
 7 principles of law set forth in the opinion. It shall also specify whether the
 8 action is an original action or whether it is brought to the court by appeal or
 9 writ of error and, if brought to the court by appeal or writ of error, the report
 10 shall specify the court from which the appeal or to which the writ of error has
 11 been prosecuted and the name of the presiding judge of the court of original
 12 jurisdiction, together with the individual names of the attorneys at law repre-
 13 senting the parties in the appellate court or supreme court, as the case may be.
 14 Whenever the supreme court shall so direct in any case, there may also be in-
 15 serted in the report the points made and authorities cited by the respective
 16 parties.

Sec. 78. TABLE OF CASES AND INDEX.] Every volume of reports published as
 2 hereinbefore provided for shall contain a table of the cases the opinions in which

3 are published therein, and a complete and carefully prepared index or digest
 4 of the points of law decided therein, together with such memoranda, if any,
 5 as the supreme court may direct to be published therein with respect to de-
 6 cisions of the supreme court and appellate courts, the opinions in which are
 7 omitted therefrom.

Sec. 79. DIGESTS.] Upon the completion of ten (10) volumes of the Illi-
 2 nois Reports containing decisions rendered subsequent to the taking effect of
 3 this Act, said reporters of the decisions of the supreme court and appellate
 4 courts shall prepare and publish, or cause to be prepared and published, sub-
 5 ject to the provisions hereinafter contained, a complete index or digest of the
 6 decisions of the court contained therein, together with the decisions of the ap-
 7 pellate courts rendered after the taking effect of this Act and contained in the
 8 volumes of the appellate court reports then published, such index or digest to
 9 be uniform in appearance, paper and binding, as near as may be, with the Illi-
 10 nois reports, and, upon the completion of each subsequent ten (10) volumes of
 11 Illinois reports, they shall prepare and publish, or cause to be published, sub-
 12 ject to the provisions hereinafter contained, a new and complete index or di-
 13 gest of all of the volumes then published of said Illinois reports and of said
 14 appellate court reports containing decisions of the supreme court and of the
 15 appellate courts rendered after the taking effect of this Act: *Provided, how-*
 16 *ever,* that no such index or digest shall be published until the same shall have
 17 been examined and approved by a majority of the judges of the supreme court,
 18 or by persons learned in the law selected by a majority of the judges of the su-
 19 preme court to examine and approve the same, which persons shall be paid for
 20 their services out of the attorneys' fund hereinafter provided for, on the order
 21 of the chief justice of the supreme court, such compensation as said judges
 22 may deem proper.

Sec. 80. ADVANCE SHEETS.] As often as opinions have been selected for
 2 publication in the Illinois reports, sufficient with the syllabi and statements
 3 of facts to be prefixed thereto to occupy one hundred (100) printed pages of a
 4 report, and as much oftener as the judges of the supreme court may direct,
 5 said reporter of the decisions of the supreme court shall cause the advance
 6 sheets of the report thereof to be printed and published and the reporter of
 7 the decisions of the appellate courts shall also cause to be printed and published
 8 like advance sheets of the reports of the appellate courts as often as such
 9 opinions, with the syllabi and statements of facts prefixed thereto, are suffi-
 10 cient to occupy one hundred (100) pages of a report, and as much oftener as
 11 the judges of the supreme court may direct.

Sec. 81. DISTRIBUTION OF REPORTS.] The volumes of the Illinois reports, and
 2 of the appellate court reports, containing decisions of said courts rendered after
 3 the taking effect of this Act, the indexes or digests thereof and the advance
 4 sheets hereinbefore provided for, shall be distributed and delivered free by or
 5 under the direction of said respective reporters, all charges prepaid, as
 6 follows :

7 *First*—Five copies of each to the library of congress.

8 *Second*—One copy of each to the President of the United States.

9 *Third*—One copy of each to each state and territorial library.

10 *Fourth*—One copy of each to each judge of the supreme court of the United
 11 States.

12 *Fifth*—One copy of each to each judge of the circuit court of the United
 13 States.

14 *Sixth*—One copy of each to each judge of a district court of the United
 15 States resident in the State of Illinois.

16 *Seventh*—Two copies of each to each judge of the supreme court of this
 17 State.

18 *Eighth*—One copy of each to each judge of the circuit court of this State.

19 *Ninth*—One copy of each to each judge of the superior court of Cook
20 county.

21 *Tenth*—One copy of each to each judge of a city court of this State.

22 *Eleventh*—One copy of each to each judge of the municipal court of
23 Chicago.

24 *Twelfth*—One copy of each to each county judge of this State.

25 *Thirteenth*—One copy of each to each judge of a probate court of this
26 State.

27 *Fourteenth*—One copy of each to each clerk of a court of record of this
28 State.

29 *Fifteenth*—One copy of each to each master in chancery in any county in
30 this State in which such master in chancery is prohibited from practicing as an
31 attorney at law.

32 *Sixteenth*—Two copies of each to each law institute in this State.

33 *Seventeenth*—Four copies of each to each law school in this State.

34 *Eighteenth*—Three copies of each to the Attorney General of this State.

35 *Nineteenth*—One copy of each to each State's attorney of this State, other
36 than the State's attorney of Cook county.

37 *Twentieth*—Five copies of each to the State's attorney of Cook county.

38 *Twenty-first*—Three copies of each to the Attorney General of the United
39 States.

40 *Twenty-second*—One copy of each to each United States district attorney
41 resident in the State of Illinois.

42 *Twenty-third*—One copy of each to each State officer, other than the Attor-
43 ney General, required to reside at the seat of government.

44 *Twenty-fourth*—Five copies of each to the library of the supreme court of
45 this State and three copies of each to the library of each appellate court of
46 this State.

47 *Twenty-fifth*—Twenty copies of each to the State library of this State for
48 use of the State.

49 *Twenty-sixth*—One copy of each to each attorney at law authorized to prac-
50 tice in the courts of this State and resident in this State.

Sec. 82. SALE OF COPIES OF REPORTS.] Said respective reporters shall also
2 cause to be delivered to each other person applying therefor a copy of any one
3 or more of the said books in the previous section mentioned, upon the payment
4 therefor by said person of such price as may be fixed by the chief justice of
5 the supreme court, the said respective reporters and the Attorney General.

Sec. 83. ASSISTANTS OF REPORTERS—SALARIES—HOW FIXED.] For the per-
2 formance of the work in this Act provided for, said respective reporters may
3 employ such number of assistants and other employes as the judges of the su-
4 preme court may deem necessary and the salaries of said assistants and em-
5 ployes shall be fixed by said judges.

Sec. 84. EXPENSES OF PRINTING, ETC., TO BE PAID OUT OF ATTORNEYS' FUND.]
2 All expenses occurred in the printing, publication and distribution as afore-
3 said of the Illinois reports, of the appellate court reports, of the indexes or di-
4 gests and of the advance sheets thereof, as well as the salaries and compensa-
5 tion of the assistants and employes and necessary office and storage rent and
6 other expenses, shall be paid out of the attorneys' fund hereinafter provided
7 for. The said respective reporters shall keep, or cause to be kept, accurate ac-
8 counts of all moneys received or paid out by them respectively in pursuance
9 of the provisions of this Act and such accounts shall be audited by some com-
10 petent person under the direction of the supreme court semi annually.

DIVISION VII.

PUBLICATION AND DISTRIBUTION OF BOOKS.

SECTION

- 85. Attorney to be appointed to prepare books—specification of books.
- 86. Approval of judges of supreme court.
- 87. Books to be standard authority.
- 88. Paper, type, etc.
- 89. Attorney to be appointed to prepare digest.
- 90. Digest to contain lists of cases.
- 91. Paper, binding, etc.
- 92. Digest to be printed and distributed by reporter.

SECTION

- 93. Printing and distribution of other books.
- 94. Sales and purchases of books.
- 95. Public officer to deliver books to successor.
- 96. Printing and distribution of books, etc., to be by contract.
- 97. Books to be copyrighted.
- 98. Compensation for preparation of books.
- 99. Attorneys employed to have assistance.

Sec. 85. ATTORNEY TO BE APPOINTED TO PREPARE BOOKS—SPECIFICATIONS OF BOOKS.] It shall be the duty of the Attorney General, as soon as may be practicable after the taking effect of this Act, to designate and appoint some competent attorney at law, whose duty it shall be, under the direction of the judges of the supreme court and subject to their approval, to prepare or cause to be prepared, to be thereafter printed and published as hereinafter provided, the following books:

First—FORMS IN COURTS OF RECORD.] A book, in such number of volumes as may appear to be necessary, containing such forms of orders, judgments, decrees and other record entries as may be in common use in the keeping of the records of courts of record, together with such instructions and directions to clerks of courts of record as may tend to facilitate and reduce the expense of the keeping of such records and as may tend to lead to uniformity with respect thereto in all courts of record, and also containing all abbreviations and abbreviated forms to be used in the keeping of the records of said courts.

Second—PRACTICE IN COURTS OF RECORD.] A book, in such number of volumes as may appear to be necessary, explanatory of the practice in courts of record

18 of this State in all the various actions and proceedings, and laying down such
 19 rules respecting the trial of causes and the disposition of the business of the
 20 courts as are of application therein, and furnishing to judges of courts of record
 21 and to attorneys at law such information as will tend to facilitate the trans-
 22 action of business in said courts and insure the prompt and proper disposi-
 23 tion of causes therein. Said book shall also contain such forms of praecipis,
 24 statements of claims, affidavits, specifications of defenses, pleadings in actions
 25 of mandamus, actions of quo warranto, actions of habeas corpus, actions in
 26 equity, bonds, summonses, writs and other papers as may be in common use in
 27 the proceedings of courts of record, and as may aid judges and attorneys at law
 28 in the speedy and proper transaction of business in such courts and tend to
 29 lead to uniformity of practice in all courts of record.

30 *Third*—PRACTICE BEFORE JUSTICES OF THE PEACE.] A book, in such number
 31 of volumes as may appear to be necessary, explanatory of the practice before
 32 justices of the peace. Said book shall also contain such forms of papers as
 33 may be in common use in proceedings before justices of the peace, and all
 34 necessary forms of orders, judgments and docket entries which may be used
 35 in proceedings before justices of the peace, together with such other information
 36 as may tend to facilitate the proper transaction of business by justices of the
 37 peace.

Sec. 86. APPROVAL OF JUDGES OF SUPREME COURT.] Each book aforesaid, as
 2 soon as prepared and before the publication thereof, shall be submitted to the
 3 judges of the supreme court, whose duty it shall be to examine the same, or
 4 cause it to be examined by persons learned in the law, and to suggest such
 5 changes therein or modifications thereof, if any, as they may deem necessary
 6 or expedient, and, if no such changes or modifications are deemed necessary
 7 or expedient, or, if so deemed necessary or expedient, such changes or modifica-
 8 tions are made, said judges shall sign a certificate of their approval thereof,
 9 which certificate shall be printed therein.

Sec. 87. BOOKS TO BE STANDARD AUTHORITY.] Every such book when so published shall be received in all the courts of this State as a standard authority upon questions of practice in the courts of this State.

Sec. 88. PAPER, TYPE, ETC.] The size, paper, type and binding of every such book shall be such as may be prescribed by the Attorney General.

Sec. 89. ATTORNEY TO BE APPOINTED TO PREPARE DIGEST.] It shall also be the duty of the Attorney General, as soon as may be practicable after the taking effect of this Act, to designate and appoint some competent attorney at law whose duty it shall be, under the direction of the judges of the supreme court and subject to their approval, to prepare or cause to be prepared, to be thereafter printed and published as hereinafter provided, a full and complete digest of the volumes of the Illinois reports and of the appellate court reports containing the decisions of said courts rendered prior to the taking effect of this Act, omitting therefrom digests of the following opinions or parts of opinions:

a—OPINIONS NO LONGER APPLICABLE.] Those which are no longer applicable in the decision of questions of law in the courts of this State.

b—REPETITIONS OF PREVIOUS DECISIONS.] Those containing decisions on points of law which are decided with sufficient completeness and accuracy in some other opinion or opinions, the points of law decided in which are set forth in such digest.

c—UNSOUND ARGUMENTS.] Those which contain arguments or suggestions which are unsound or are calculated to mislead.

Sec. 90. DIGEST TO CONTAIN LISTS OF CASES.] The digest in the preceding section provided for shall contain full and complete lists of all the decisions of the supreme court and of the appellate courts of this State, as follows:

a—CASES STILL AUTHORITIES.] A list of cases which have not been modified, explained or overruled and which are still to be relied upon as authorities in the decision of questions arising in the courts of this State.

7 *b*—MODIFIED, EXPLAINED OR OVERRULED CASES.] A list of cases which have
 8 been modified, explained or overruled, in whole or in part, in which list the title
 9 of each case shall be followed by a statement fully explanatory of the extent to
 10 which the same has been modified, explained or overruled.

11 *c*—CASES NO LONGER AUTHORITY.] A list of cases which, without being modi-
 12 fied, explained or overruled by subsequent decisions, have become no longer of
 13 binding authority, each of which cases shall be followed by a statement ex-
 14 planatory of the reason why the same is no longer of binding authority.

Sec. 91. PAPER, BINDING, ETC.] The paper, type and binding of the volumes
 2 of said digest shall be the same, as near as may be, as those of the Illinois re-
 3 ports and the appellate court reports, and the digests thereof.

Sec. 92. DIGEST TO BE PRINTED AND DISTRIBUTED.] The volumes of said digest
 2 hereinbefore provided for, from time to time as the same are prepared and
 3 approved, shall, under the superintendence of the supreme court, be printed and
 4 published and distributed and delivered free of charge to the same persons, in-
 5 stitutions and libraries and in the same number as is provided in this Act with
 6 respect to the Illinois reports, the appellate court reports, and the advance
 7 sheets and indexes or digests thereof.

Sec. 93. PRINTING AND DISTRIBUTION OF OTHER BOOKS.] The remaining books
 2 hereinbefore provided for, from time to time as the same are prepared and ap-
 3 proved, shall, under the superintendence of the supreme court, be printed and
 4 published and distributed and delivered free of charge, as follows:

5 *First*—SAME AS ILLINOIS REPORTS—EXCEPTION.] To each person, institution
 6 or library to whom or to which the Illinois reports are required to be delivered,
 7 the same number of copies as there are to be delivered to such person, institu-
 8 tion or library, copies of said Illinois reports: *Provided, however,* that there
 9 shall be delivered to each clerk of a court of record, for each deputy of such

10 clerk, an additional copy of the book containing the forms or orders, judgments,
 11 decrees and other record entries and abbreviations and abbreviated forms to be
 12 used in the keeping of the records of courts of record.

13 *Second—JUSTICES OF THE PEACE.*] To every justice of the peace of this
 14 State one copy of the book explanatory of the practice before justices of the
 15 peace, together with forms of papers to be used in proceedings before them,
 16 and of orders, judgments and docket entries.

Sec. 94. SALES AND PURCHASES OF BOOKS.] There shall be delivered to
 2 every other person applying therefor a copy of any one or more of the books
 3 in the previous section provided for upon payment therefor by such person
 4 of such price as may be fixed by the chief justice of the supreme court, the re-
 5 porters of the decisions of the supreme court and appellate courts and the At-
 6 torney General, and, for the purpose of supplying the demand which may
 7 arise, from time to time, for complete sets or single volumes of the Illinois
 8 reports, the appellate court reports, and the indexes and digests thereof, as
 9 well as of the other books hereinbefore provided for, the said reporters may
 10 cause to be purchased from the owners thereof such number of said books, when
 11 in good condition, as may, in the judgment of the chief justice of the supreme
 12 court, the Attorney General and said reporters of the decisions of the supreme
 13 court and appellate courts, be necessary, and at such prices as they may deem
 14 proper.

Sec. 95. PUBLIC OFFICER TO DELIVER BOOKS TO SUCCESSOR.] Every public of-
 2 ficer to whom any one or more of the books hereinbefore provided for shall be
 3 delivered as aforesaid shall hold the same as a part of the books pertaining
 4 to his office, and upon the expiration of his term of office shall deliver the
 5 same to his successor in office.

Sec. 96. PRINTING AND DISTRIBUTION OF BOOKS, ETC., TO BE BY CONTRACT.] The
 2 chief justice of the supreme court, the Attorney General and the reporters of

the decisions of the supreme court and appellate courts shall procure the work of printing and distributing the books hereinbefore provided to be printed, published and distributed, and of caring for the stereotype, electrotype or other plates thereof to be done by some responsible person, firm or corporation, at a price or prices which may be deemed by said chief justice of the supreme court, said Attorney General and said reporters to be reasonable and for such period as said chief justice, said Attorney General and said reporters may deem expedient: *Provided, however,* that in case such work can not be procured to be done by any such person, firm or corporation, at a price or prices which said chief justice, Attorney General and said reporters deem reasonable, such work may be done under the supervision of said reporters, in such manner as said chief justice and Attorney General may direct.

Sec. 97. BOOKS TO BE COPYRIGHTED.] All books printed and published under the preceding provisions of this Act under the superintendence of the supreme court shall be copyrighted in the name of the person for the time being holding the office of Attorney General, and said officer shall hold the legal title thereto, and to all the property acquired by means of the attorneys' fund, in trust for the benefit of the attorneys at law from time to time authorized to practice in the courts of this State and resident therein and for the accomplishment of the purposes of this Act.

Sec. 98. COMPENSATION FOR PREPARATION OF BOOKS.] The attorneys at law designated and appointed to prepare, or cause to be prepared, the books hereinbefore provided for shall be liberally compensated for their labors in that behalf, such compensation to be fixed by the judges of the supreme court and the Attorney General and to be paid out of said attorneys' fund, the intention hereof being that the work to be performed shall be creditable and first-class in every particular and that the compensation shall be commensurate therewith.

Sec. 99. ATTORNEYS EMPLOYED TO HAVE ASSISTANCE.] The said attorneys at
 2 law so appointed and designated as aforesaid shall also be furnished such as
 3 sistance in the performance of **their** work as the judges of the supreme court
 4 and the Attorney General may deem necessary, the expense thereof to be paid
 5 out of the attorneys' fund aforesaid.

DIVISION VIII.

ATTORNEYS AT LAW.

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- 101. License to practice necessary—qualifi-
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- 102. Oath.
- 103. Roll of attorneys.
- 104. Previously licensed attorneys permit-
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- 105. Striking name from roll—suspension.
- 106. Notice of proceeding to be given—re-
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- 107. Controversies between attorney and
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- 108. Failure of attorney to pay clerk,
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- 109. Attorneys, etc., liable to arrest when.
- 110. Parties may prosecute or defend in
person.
- 111. Attorneys of other states.
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- 113. Lien upon documents and papers.
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- 119. Circuit clerks to conduct elections.
- 120. Nominations for president, etc.—how
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- 121. Ballots, etc., to be mailed by clerk.
- 122. Marking ballots.
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- 133. Attorneys' fund deposited with State
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- 134. Moneys retained by clerk of circuit
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- 135. Supreme court may reduce license fee
when.

Sec. 100. 'DISTINCTION BETWEEN ATTORNEYS, COUNSELORS, ETC., ABOLISHED.]

2 The distinction between attorneys at law, counselors at law and solicitors in
3 chancery shall no longer prevail in this State, but every person permitted to
4 commence, conduct or defend any action or proceeding in which he is not a
5 party concerned in any court of record within this State shall be known as
6 an attorney at law.

Sec. 101. LICENSE TO PRACTICE NECESSARY—QUALIFICATIONS REQUIRED.] No

2 person shall be permitted to practice as an attorney at law in any court of rec-
3 ord within this State without having previously obtained a license for that
4 purpose from the judges of the Supreme Court, which license may be obtained
5 in such manner and under such conditions as may be prescribed from time
6 to time by said judges. But after the year 1911 no person shall receive such
7 license unless he shall have been a graduate of a high school of this State or
8 shall have satisfactorily passed an examination equivalent to that required
9 for graduation from a high school of this State, and shall have pursued the
10 study of the law for the period of four years, one year of which shall have
11 been devoted to the study of the practice and procedure of the courts of this
12 State, and shall have passed such examination as the Supreme Court may pre-
13 scribe: *Provided, however, that* not more than three years' study of the law
14 as aforesaid need be required in the case of any applicant for a license who
15 shall have graduated, with a bachelor's degree, or any equivalent degree, from
16 the academic department of any college or university in the United States, or
17 any foreign country, substantially equal in standing to the University of Illinois.

Sec. 102. OATH.] Every person admitted to practice as an attorney at

2 law shall, before his name is entered upon the roll to be kept as hereinafter
3 provided, take and subscribe an oath substantially in the following form:

4 I do solemnly swear (or affirm, as the case may be,) that I will support
5 the constitution of the United States and the constitution of the State of Illi-

6 nois, and that I will faithfully discharge the duties of the office of attorney at
7 law to the best of my ability.

Sec. 103. ROLL OF ATTORNEYS.] It shall be the duty of the clerk of the
2 Supreme Court to make and keep a roll or record, stating at the head thereof
3 that the persons whose names are therein written have been regularly licensed
4 and admitted to practice as attorneys at law within this State, and that they
5 have duly taken the oath of office as prescribed by law, which shall be certified
6 and endorsed on the said license.

Sec. 104. PREVIOUSLY LICENSED ATTORNEYS PERMITTED TO PRACTICE.] All per-
2 sons heretofore regularly admitted and licensed to practice as attorneys and
3 counselors at law in this State who may be still living and whose names have
4 not been stricken from the roll of attorneys and counselors at law shall con-
5 tinue, subject to the provisions of this Act, to be permitted to practice as
6 attorneys at law.

Sec. 105. STRIKING NAME FROM ROLL—SUSPENSION.] The name of any attor-
2 ney at law may be stricken from the roll for malconduct in his office by pro-
3 ceedings by information in the Supreme Court instituted and conducted for
4 that purpose by the Attorney General, or by any State's attorney, or by any
5 attorneys' association provided for by this Act, in accordance with such rules
6 as may be prescribed therefor by the supreme court, and any circuit court or
7 the superior court of Cook county shall, for like cause, have power to suspend
8 any attorney at law from practice in such circuit court or superior court of
9 Cook county, as the case may be, during such time as such court may deem
10 proper, subject to the right of such attorney at law to apply to the supreme
11 court to review such order, such review to be made in accordance with such rules
12 as may be prescribed therefor by the supreme court.

Sec. 106. NOTICE OF PROCEEDINGS TO BE GIVEN—RESULT OF STRIKING FROM

2 ROLL.] Every attorney at law, before his name is stricken off the roll, shall
3 receive such notice of the proceedings against him as the supreme court may,
4 by rule, prescribe, and he shall, after such notice, be heard in his defense and
5 allowed a reasonable time to collect and prepare testimony for his justification,
6 and every attorney at law whose name shall at any time be stricken from the
7 roll by order of the court in the manner aforesaid shall be considered as
8 though his name had never been written thereon, until such time as the said
9 court shall authorize him to sign or subscribe the same.

Sec. 107. CONTROVERSIES BETWEEN ATTORNEY AND CLIENT—POWER OF COURT.]

2 Whenever any attorney at law shall have in his possession any documents,
3 papers, money or property of any kind which he shall have obtained by virtue
4 and by means of the relation of attorney at law and client theretofore existing
5 between him and any person and shall refuse to deliver or pay over the same
6 to such person after demand in writing made therefor, such person may apply
7 to the circuit court of the county in which such attorney resides or maintains
8 a place of business, or, if such attorney at law resides or maintains a place of
9 business in Cook county, such application may also be made to the superior
10 court of Cook county, for an order requiring such attorney at law to deliver
11 or pay over to such person such documents, papers, money or other property,
12 and such court shall have full power, upon such application being made, to inquire
13 in a summary manner into any controversy which may exist between such per-
14 son and such attorney at law respecting such documents, papers, money or
15 other property and to make such order in respect thereto as equity and justice
16 may require; and if, upon such application, it shall appear that such attorney
17 at law is entitled to retain such documents, papers, money or other property,
18 in whole or in part, as compensation for his services or expenditures made on
19 behalf of, or other advances made to or on account of, such person, the court
20 may fix the amount of such compensation, expenditures and advances and may

21 require the payment of the same by such person as a condition to the delivery
 22 or paying over of such documents, papers, money or other property. If upon
 23 any such application, it shall appear that such attorney at law has made a
 24 manifestly unjust and exorbitant demand upon such person for compensation
 25 or reimbursement for expenditures or advances as a condition to the delivery or
 26 paying over of such documents, papers, money or other property, or has other-
 27 wise acted unjustly and vexatiously, the court may require such attorney at law
 28 to reimburse such person for the reasonable costs and expenses, including at-
 29 torneys' fees, of such application. The method of procedure upon any such
 30 application may be substantially the same as in an action in equity, excepting
 31 that such application shall take precedence over the ordinary business of the
 32 court and shall be determined speedily and without formality. Any order made
 33 upon such application may be enforced in the same manner as a decree in equity
 34 and shall be subject to review by the Supreme Court upon appeal or writ
 35 of error in the same manner and to the same extent as a decree in equity.

Sec. 108. FAILURE OF ATTORNEY TO PAY CLERK, SHERIFF, MASTER OR COURT
 2 STENOGRAPHER—PROCEDURE.] Whenever any attorney at law shall fail to pay
 3 to any clerk, sheriff, master in chancery or other officer of court, or to any
 4 court stenographer, for services rendered by such officer or court stenographer
 5 at the request of such attorney at law, the fees which are specified by this
 6 Act for such services and which such officer is required to collect and account
 7 for, such officer or court stenographer to whom such fees are payable may, upon
 8 reasonable notice in writing to such attorney at law, apply to the circuit court
 9 of the county in which such attorney at law resides or maintains an office for
 10 the transaction of business, and obtain a rule upon such attorney at law for the
 11 payment of such fees, and upon non-compliance with such rule such attorney
 12 at law may be punished as for a contempt of court, or may be suspended by
 13 such court from practice as an attorney at law in the courts of this State until
 14 such fees are paid.

Sec. 109. ATTORNEYS, ETC., LIABLE TO ARREST WHEN.] All attorneys at law, judges, clerks and sheriffs and all other officers of the several courts within this State shall be liable to be arrested and held to bail and shall be subject to the same legal process, and may be prosecuted in all respects and proceeded against in the same courts and in the same manner, as other persons are, any law, usage or custom to the contrary notwithstanding: *Provided, nevertheless,* that said judges or attorneys, clerks, sheriffs and other officers of said courts shall be privileged from arrest while attending court and whilst going to and returning from court.

Sec. 110. PARTIES MAY PROSECUTE OR DEFEND IN PERSON.] Plaintiffs shall have the liberty of prosecuting and defendants of defending in their own proper persons.

Sec. 111. ATTORNEYS OF OTHER STATES.] When any attorney at law residing in any other state or territory may desire to practice law in this State, such attorney at law shall be allowed to practice in the several courts of this State upon the same terms and in the same manner that attorneys at law residing in this State now or hereafter may be admitted to practice law in such other state or territory.

Sec. 112. WHEN JUDGES AND OTHER OFFICERS MAY NOT PRACTICE.] No person who holds a commission as a justice of the Supreme Court of the State of Illinois, or as a judge of any circuit court or of the superior court of Cook county, shall be permitted to practice, directly or indirectly, as an attorney at law in any court in this State, nor shall any judge of any city court, county court or probate court be permitted to practice in the court of which he is commissioned or appointed judge; and it shall be unlawful for any county judge, probate judge, county clerk, probate clerk, deputy county clerk or deputy probate clerk, to make accounts current or reports for any executor, administrator, guardian or conservator upon which said court

11 shall have to act judicially; nor shall any coroner, sheriff or
 12 deputy sheriff be permitted to practice as aforesaid in the county in which he
 13 is commissioned or appointed; nor shall any clerk or deputy clerk of a court of
 14 record be permitted to practice as an attorney at law in the court of which
 15 he is such clerk or deputy clerk, and no person shall be permitted or suffered
 16 to enter his name on the roll or record to be kept aforesaid by the clerk of
 17 the Supreme Court, or do any official act appertaining to the office of an attor-
 18 ney at law, until he has taken the oath hereinbefore required, and the person
 19 administering such oath shall certify the same on the license, which certificate
 20 shall be a sufficient voucher to the clerk of the Supreme Court to enter or in-
 21 sert, or permit to be entered or inserted, on the roll of attorneys at law, the
 22 name of the person of whom such certificate is made.

Sec. 113. LIEN UPON DOCUMENTS AND PAPERS.] Every attorney at law shall
 2 have a lien upon all documents, papers, money or other property in his pos-
 3 session belonging to his client for all sums which may be due him from his
 4 client on account of services rendered or expenditures made as an attorney at
 5 law for and on behalf of such client.

Sec. 114. LIEN UPON JUDGMENTS AND DECREES.] Every attorney at law
 2 shall have a lien upon every judgment or decree for money obtained by him for
 3 his client to the extent of whatever may be due him from his client on account
 4 of services rendered or expenses incurred in and about the procuring of such
 5 judgment or decree.

Sec. 115. LIEN UPON CAUSE OF ACTION.] Every attorney at law employed
 2 to prosecute any action at law or in equity, and who, in pursuance of such
 3 employment, shall have instituted and prosecuted such action in good faith
 4 and with due diligence, shall have a lien upon the cause of action therein to
 5 the extent of a reasonable compensation for the services rendered by him, and
 6 no settlement of such cause of action between the parties thereto, made with-

7 out the consent of such attorney, shall be valid as against such attorney. nor
 8 shall the action be dismissed in pursuance of any such settlement, or other
 9 attorneys be substituted for him, against his objection, excepting upon the pay-
 10 ment to him of such compensation, or such other provision being made therefor,
 11 as the court in which such action has been brought shall, under all the circum-
 12 stances of the case, taking into account the services rendered by such attorney,
 13 the nature of the action and the amount obtained by the client by the settlement,
 14 if any settlement be made, deem reasonable and just; and the court shall have
 15 full power and authority, by any appropriate process or proceeding in any
 16 such case, to protect such attorney at law, so far as may be practicable, against
 17 the loss of such just and reasonable compensation for his services, and to that
 18 end, in case the defendant shall have paid or delivered to the plaintiff any
 19 money or property in settlement of such cause of action, the court may, in its
 20 discretion, require such defendant to pay the reasonable compensation of the
 21 plaintiff's attorney for services rendered by him in such action. The appear-
 22 ance of any attorney as the attorney of record of a party to the action shall be
 23 notice to the opposite party of the lien provided for in this section.

Sec. 116. EMPLOYMENT OF ATTORNEY PRESUMED TO CONTINUE.] Every attor-
 2 ney at law, who shall appear as attorney of record of either party to any action
 3 at the time of the entry of any final order, judgment or decree of the court of
 4 original jurisdiction, shall be presumed to continue to represent such party in
 5 respect to all proceedings pertaining thereto, including the prosecution or de-
 6 fense of an appeal or writ of error to review the same, until expressly dis-
 7 charged from further service by such party, and, until such discharge, he shall
 8 have authority to take all steps which he may deem proper and necessary to
 9 secure to such party the benefit of any such order, judgment or decree in favor
 10 of such party, either by collecting the same by execution, supplementary pro-
 11 ceedings, creditor's action in equity or otherwise, if the same be an order,
 12 judgment or decree for the payment of money, or by enforcing the same by

13 other appropriate proceedings, if the same be an order, judgment or decree
 14 other than one for the payment of money.

Sec. 117. ATTORNEYS' ASSOCIATIONS TO BE ORGANIZED.] There shall be or-
 2 ganized in each judicial circuit of this State an association to be known by the
 3 name and style of "The Attorneys' Association of the.....Circuit," or
 4 "The Attorneys' Association of Cook County," as the case may be, which shall
 5 consist of all of the attorneys at law from time to time resident in such judi-
 6 cial circuit and authorized to practice in the courts of this State, and which
 7 shall have power, in its name as such association, to institute and conduct in
 8 any court of this State any action or proceeding authorized by this Act, and
 9 such other powers as may be hereinafter specified.

Sec. 118. PRESIDENT AND TRUSTEES—HOW ELECTED—DATE OF ELECTION.] The
 2 management of the affairs of every such association, subject to the restrictions
 3 hereinafter contained, shall be entrusted to a president and four trustees in each
 4 circuit in which there reside not to exceed five hundred attorneys at law
 5 authorized to practice in the courts of this State and to a president and four-
 6 teen trustees in each circuit in which there reside over five hundred attorneys
 7 at law authorized to practice in the courts of this State. The election of
 8 such president and trustees shall be by ballot, to be enclosed in a sealed envel-
 9 ope, which, in turn, shall be enclosed in a larger envelope with a slip contain-
 10 ing the name of the attorney at law casting the same, such larger envelope,
 11 with the enclosures therein, to be mailed to the proper officer and all the ballots
 12 cast to be canvassed and the result of such canvass announced as hereinafter
 13 provided. Such election shall occur on the first Tuesday of June in each
 14 year, and the canvass of the result thereof shall be commenced at two o'clock
 15 p. m. on such day and shall include all ballots received by mail by the proper
 16 officer prior to the commencement of such canvass.

Sec. 119. CIRCUIT CLERK TO CONDUCT ELECTION.] Every such election in a
2 circuit composed of more than one county shall be held and conducted under
3 the direction of the clerk of the circuit court of the county of such circuit hav-
4 ing the largest poulation, and when any circuit consists of but one county
5 such election shall be held and conducted under the direction of the clerk of the
6 circuit court of such county.

Sec. 120. NOMINATIONS FOR PRESIDENT, ETC.—HOW MADE—FORM OF PETITION.]

2 Nominations for the position of president and trustees in any circuit may be
3 made by petition or petitions signed by a number of attorneys at law equal to
4 or in excess of two per cent of the number of attorneys at law resident in the
5 circuit and authorized to practice in the courts of this State, which petition
6 or petitions shall be filed in the office of the clerk of the circuit court under
7 whose direction and control such election is to be held at least thirty days prior
8 to the date of the election for which such nominations are made. Such petition
9 shall be verified by affidavit of the genuineness of the signatures thereto and
10 such petition and affidavit may be in substantially the following form:

11 *Petition of Nomination.*

12 We, the undersigned, attorneys at law, resident in the.....judicial
13 circuit of Illinois (or, in Cook county, Illinois, as the case may be,) and author-
14 ized to practice in the courts of this State, do hereby nominate.....
15 as a candidate for president (or trustee, as the case may be,) of the Attorneys'
16 Association of said circuit (or said county of Cook, as the case may be,) at
17 the election to be held on the first Tuesday of June, 19...

18	NAME.	P. O. ADDRESS.
19	1. ....	.....
20	2. ....	.....
21	3. ....	.....
22	4. ....	.....

AFFIDAVIT.

23
24
25
26
27
28
29

I, do hereby on my oath say that I am upwards of
the age of twenty-one years, that I reside in.....county, Illinois,
and that the above signatures are genuine.
Subscribed and sworn to before me this.....day of.....19..
.....
Notary Public.

Sec. 121. BALLOTS, ETC., TO BE MAILED BY CLERK.] At the expiration of the
time provided for the filing of said petition said clerk of the circuit court shall
cause to be printed a ballot upon a slip of paper containing, first, a list in
alphabetical order of the names of the attorneys at law nominated by a suffi-
cient number of petitioners for the position of president, and second, a list in
alphabetical order of the names of the attorneys at law nominated by a suffi-
cient number of petitioners for the offices of trustees, with a printed square
before each name for the marking of the ballot, and the clerk shall cause to
be mailed to each attorney at law resident in such circuit and authorized to
practice in the courts of this State, (a) one of said printed ballots, (b) an envel-
ope for the inclosing and sealing up of the ballot, on which envelope there
shall be printed the word "Ballot." (c) a slip for the writing by the attorney
voting of his name and postoffice address, and (d) a larger envelope, with the
name and postoffice address of the clerk of the circuit court, and stamped with
the proper stamp for postage, in which envelope the attorney casting the ballot
may inclose such ballot and slip containing his name and postoffice address and
mail the same.

Sec. 122. MARKING BALLOTS.] The choice of each attorney at law of a can-
didate for president or trustee shall be indicated by a cross marked in the
square opposite the name of the person intended to be voted for. Every per-
son voting shall be required to vote for one person for the position of presi-
dent and for as many persons for the positions of trustees as there are trus-

tees to be elected, and, when any person voting fails to vote for any candidate for president, or votes for a less or greater number of candidates for trustees than there are trustees to be elected, such vote shall be a nullity and shall not be counted. No person shall be voted for who shall not have been nominated and whose name is not on such printed ballot.

Sec. 123. **BALLOTS RECEIVED BY CLERK—CANVASS OF VOTES.]** All ballots received by the clerk shall be safely kept by him without opening the same until the time fixed herein for the canvassing of the result of the election, at which time said clerk shall call to his aid two attorneys at law resident in his circuit and authorized to practice in the courts of this State, and thereupon the said clerk and said attorneys at law shall open the said ballots and canvass the votes and declare in writing the result thereof, after rejecting all ballots not in compliance with the provisions of this Act, specifying, (a) the total number of votes cast, (b) the total number of votes cast for each candidate for the position of president, (c) the total number of votes cast for each candidate for the positions of trustees, and (d) the names of the candidates receiving the highest number of votes for each office. The person receiving the highest number of votes for the position of president shall be declared elected president and the four or fourteen, as the case may be, persons receiving the highest number of votes for the position of trustees shall be declared elected trustees. In case two or more persons among those receiving the highest number of votes aforesaid shall receive an equal number of votes the clerk and the attorneys canvassing the votes shall, when such course may be necessary, determine the election as to such persons by lot. The persons elected to the positions of president and trustees shall enter upon the discharge of their duties as such officers on the first Monday of July after such election.

Sec. 124. **VACANCY IN OFFICE OF PRESIDENT OR TRUSTEE—HOW FILLED.]**

Whenever any vacancy shall occur in the office of president such vacancy shall

3 be filled until the succeeding election by the trustees, and when any vacancy
 4 shall occur in the position of trustee such vacancy shall be filled until the next
 5 election by the president and the remaining trustees.

Sec. 125. PRESIDENT AND TRUSTEES TO BE FURNISHED SUITABLE ROOMS.] The
 2 president and trustees of every attorneys' association shall be furnished suit-
 3 able rooms for the holding of meetings and the transaction of business, such
 4 rooms to be in the county court house of the proper county, when practicable.

Sec. 126. PROCEEDING TO DISBAR ATTORNEY—HOW CONDUCTED—COSTS.] The
 2 attorneys' association of any circuit may, whenever its president and trustees
 3 may deem it expedient, institute in the supreme court a proceeding against any
 4 attorney at law resident in this State, and authorized to practice in the courts
 5 thereof, for the purpose of causing the name of such attorney to be stricken
 6 from the roll of attorneys at law of this State. Such action or proceeding shall
 7 be instituted and prosecuted in accordance with such rules as may be prescribed
 8 therefor by the supreme court. No costs of any kind or character shall be de-
 9 manded or received by any officer in advance in any such proceeding, but in any
 10 case in which the court shall order the name of any defendant to be stricken
 11 from the roll of attorneys at law the court may also, in its discretion, direct
 12 that the defendant pay to the clerk of the circuit court of the county in which
 13 the defendant resided at the time of the institution of such proceeding the sum
 14 of fifteen (15) cents for each one hundred words of the master's or court sten-
 15 ographer's report of the evidence, and also the sum of twenty-five dollars
 16 (\$25) to the clerk of the supreme court as his costs.

Sec. 127. DUTY OF PRESIDENT AND TRUSTEES.] It shall be the duty of the
 2 president and trustees of each attorneys' association, from time to time, as in
 3 their judgment may be expedient, to examine into the conduct of the business of
 4 the offices of masters in chancery, clerks of courts of record, sheriffs, public ad-

5 ministrators and official receivers, and into the management of the business of
 6 the stenographic and typewriting departments, of their respective circuits, or
 7 of Cook county, as the case may be, and to suggest to the judges of the respective
 8 courts such changes with respect thereto as said president and trustees may
 9 deem expedient and to that end they shall be accorded by such masters in chan-
 10 cery, clerks, sheriffs, public administrators, official receivers, and employes of
 11 stenographic and typewriting departments all necessary or proper facilities for
 12 making such examinations.

Sec. 128. COMPLAINTS BY ATTORNEYS' ASSOCIATION—HOW PRESENTED AND HOW

2 HEARD—APPEAL TO SUPREME COURT—POWER OF SUPREME COURT.] The attorneys'
 3 association of any circuit, through its president and trustees, shall have power
 4 to present to any court of record of any county of such circuit or to any court
 5 of record of Cook county, as the case may be, a complaint touching any matter
 6 which may concern the proper administration of justice in such court or the
 7 proper management of the business thereof. Such complaint shall be in writing
 8 and shall be addressed to the court to which the complaint is made and shall
 9 be filed with the clerk thereof, who shall bring the same forthwith to the atten-
 10 tion of the presiding judge of such court or, in case such court shall have a
 11 business manager or chief justice, to the attention of the business manager or
 12 chief justice thereof, or, in case such court shall not have a business manager
 13 or chief justice but shall consist of several judges, to the attention of such judge
 14 as may be presiding in such court, or in case there are several branches of said
 15 court being held at the same time, to the attention of the judge of such court
 16 senior in age, whose duty it shall be to cause the same to be heard either by a
 17 single judge, if the matter of complaint be one within the power of a single
 18 judge to remedy, or by all of the judges, if the action of a majority of the judges
 19 of such court be necessary for such remedy. Such complaint shall thereupon be
 20 heard and disposed of in such manner as the judge or judges who may hear the

21 same shall deem best for the proper administration of justice in such court or
22 the proper management of the business thereof, and such judge or judges shall
23 cause an order to be entered upon the records of the court showing the disposi-
24 tion made of such complaint. Whenever the president and trustees of any
25 attorneys' association shall be dissatisfied with any order so made, they shall
26 cause to be filed with the clerk of the court in which such order is made, within
27 thirty (30) days thereafter, a notice of appeal to the supreme court. Upon
28 the filing of such notice the clerk shall cause to be transmitted to the clerk of the
29 supreme court the complaint so filed, and a certified copy of the orders entered
30 thereon, together with a report of the proceedings to be signed by the judge
31 or judges before whom the complaint has been heard containing the evidence
32 heard by such judge or judges and all facts within their knowledge bearing
33 upon such complaint. The clerk of the supreme court shall receive and file such
34 papers and thereupon it shall be the duty of the supreme court to consider the
35 same and make such order in the premises as justice may require, and the su-
36 preme court shall have full power and authority to make all orders which the
37 court may deem necessary to remedy all abuses in the administration of justice
38 which may appear upon the hearing of any such appeal or which may be other-
39 wise brought to the attention of the judges of said court.

Sec. 129. VOTE OF ATTORNEYS MAY NULLIFY RULE.] Whenever any rule or
2 rules shall hereafter be adopted by the judges of the circuit court of any cir-
3 cuit, or by the judges of the superior court of Cook county, and a number of
4 attorneys at law authorized to practice in the courts of this State and resident
5 in such circuit or in the county of Cook, as the case may be, equal to or exceed-
6 ing ten per cent thereof, shall petition in writing the president and trustees of
7 the attorneys' association of such circuit, or of Cook county, as the case may
8 be, for the holding of an election for the purpose of voting upon the proposi-
9 tion whether the rule or rules so adopted shall or shall not be rescinded, said

10 president and trustees shall fix a date for such election and shall notify the
11 clerk of the proper circuit court thereof, and thereupon such clerk shall cause the
12 proper ballots to be printed and such ballots, slips and envelopes to be mailed
13 to the persons entitled to vote at such election. The method of voting at such
14 election and of canvassing the vote thereof shall be the same, as near as may be,
15 as hereinbefore prescribed for other elections excepting that the form of the
16 ballot shall be prescribed by the president and trustees who shall also prescribe
17 all other needful regulations, not hereby prescribed, for the holding of such
18 elections. When more than one rule is to be voted upon each rule shall be
19 voted upon separately. Whenever, at any election so held, a majority of the
20 votes cast shall be in favor of the rescinding of such rule or rules the same
21 shall thenceforth be deemed rescinded and shall be no longer in force. But this
22 section shall have no application to any rule which, by the terms of this Act,
32 can only become effective by the approval of the supreme court.

Sec. 130. PERSONS ADMITTED MUST PAY LICENSE FEE.] Every person who
2 shall hereafter be admitted and licensed to practice as an attorney at law in this
3 State after the taking effect of this Act shall, before the issuance of his license,
4 pay to the clerk of the supreme court, if such license is issued prior to May 1,
5 1912, the sum of fifty dollars (\$50); if such license is issued on or after May 1,
6 1912, but before May 1, 1913, the sum of seventy-five dollars (\$75); and if
7 such license is issued on or after May 1, 1913, the sum of one hundred dollars
8 (\$100). The money so paid to the clerk shall be by him paid to the State Treas-
9 urer who shall keep the same as a part of the special fund to be known as
10 "Attorneys' Fund," to be disposed of as hereinafter provided. Upon the pay-
11 ment of said license fee by any person the clerk of the supreme court shall
12 issue to such person a certificate of such payment and upon the presentation of
13 such certificate to the reporter of the decisions of the supreme court, said re-
14 porter shall cause to be delivered free to such person, all express or other

15 charges prepaid, the volumes of the Illinois reports and appellate court re-
16 ports containing opinions filed subsequent to the taking effect of this Act, and
17 the other books hereinbefore provided for, the publication of which may then be
18 completed, and thereafter such additional books as such person shall, from
19 time, become entitled to upon the payment of his annual license fee as an at-
20 torney at law hereinafter provided for.

Sec. 131. ATTORNEYS TO PAY ANNUAL LICENSE FEE—ATTORNEY'S FUND.] Every

2 attorney at law residing in this State shall, on or before the tenth day of Janu-
3 ary, 1912, pay to the clerk of the circuit court of the county in which he
4 resides, or in which he maintains an office for the transaction of business, the
5 sum of ten dollars (\$10) as a license fee for the four months succeeding the thirty-
6 first day of December, 1911, and on or before the first day of May, 1912, and on
7 or before the first day of May of each year thereafter he shall pay to said clerk
8 the sum of twenty-five dollars (\$25) as a license fee for the year succeeding such
9 first day of May, and any attorney at law who shall be in default of any such
10 payment shall not, during the continuance of such default, be permitted to
11 practice, directly or indirectly, as an attorney at law in any court of record in
12 this State, and any attorney at law who, while in default as to such payment,
13 shall attempt to practice, directly or indirectly, as an attorney at law in any
14 court of record of this State shall be deemed guilty of a criminal contempt of
15 court and shall be punished therefor accordingly: *Provided, however,* that
16 any attorney at law who, at the time of the issuance of his license, shall have
17 made the payment provided for in the preceding section shall be exempted
18 from any payment provided for in this section for any period prior to the first
19 day of the succeeding May. Any attorney at law who shall have neglected to
20 pay his license fee within the time specified therefor in this Act may be per-
21 mitted to pay the same at any time thereafter upon his paying, in addition there-
22 to, a penalty of five dollars (\$5). Of said sum of ten dollars (\$10) so received

from each attorney at law for the four months succeeding the thirty-first day of December, 1911, and of said sum of twenty-five dollars (\$25) so received from each attorney at law for each year succeeding the first day of May of each subsequent year, such clerk shall retain five dollars (\$5), together with any sum collected as penalty as above provided, to be applied as hereinafter provided in such manner as may be determined by the judges of the circuit court of such county, and he shall keep an accurate account of the disposition made of the same. The remaining portion of each license fee shall be transmitted by such clerk to the State treasurer, who shall keep the same as a part of the attorneys' fund hereinbefore mentioned, to be disposed of in accordance with the provisions of this Act.

Sec. 132. PRINTING AND DISTRIBUTION OF LISTS OF ATTORNEYS AUTHORIZED TO

PRACTICE.] In the month of May of each year the clerk of the circuit court of each county shall cause to be prepared and distributed a list, in alphabetical order, of the names of all attorneys at law resident in his county and who shall have made the payments hereinbefore provided for and who shall be then authorized to practice in the courts of this State, giving the office addresses, telephone exchanges and telephone numbers of such attorneys, and also a list of judges of courts of record and all other officers of the court, including deputies, in such county, and such other information as may appear to be needful, and shall distribute the same, delivered free of all charges, as follows:

First—One copy to each judge of a court of record in each county.

Second—One copy to each clerk of a court of record in this State.

Third—One copy to each deputy clerk of a court of record in such county.

Fourth—One copy to each sheriff of this State.

Fifth—One copy to each judge of the supreme court of this State.

Sixth—One copy to each attorney at law authorized to practice in the courts of this State and resident, or having an office, in such county.

Sec. 133. ATTORNEYS' FUND DEPOSITED WITH STATE TREASURER—HOW EXPEND-

2 ED.] The moneys constituting the ATTORNEYS' FUND hereinbefore provided for
 3 shall be expended under the direction of the chief justice of the supreme court
 4 and the Attorney General for the purpose of preparing, printing, publishing and
 5 distributing the books in the preceding sections of this Act provided to be pre-
 6 pared, printed, published and distributed, and for such other purposes as may
 7 be specified in this Act or as may be provided, from time to time, by law, and
 8 the same shall be paid out by the State Treasurer upon warrants drawn by the
 9 reporter of the decisions of the supreme court and countersigned by the chief
 10 justice of the supreme court or the Attorney General. For the purpose of ex-
 11 pediting the preparation, publication and distribution of the books above men-
 12 tioned, the reporter of the supreme court may, with the approval of the chief
 13 justice of the supreme court and the Attorney General, incur liabilities in ad-
 14 vance of the collection of the license fees necessary to meet the same, such liabil-
 15 ities to be paid out of such license fees from time to time as thereafter collected.

Sec. 134. MONEYS RETAINED BY CLERK OF CIRCUIT COURT—HOW APPLIED.] The

2 moneys retained by the clerk of the circuit court of each county as aforesaid
 3 shall be applied by the judges of the circuit court, so far as the same may ex-
 4 tend, or so far as may be necessary, to the payment of the following expenses:

5 *First*—ATTORNEYS' ASSOCIATION EXPENSES.] All expenses connected with the
 6 organization of the attorneys' association hereinbefore provided for and the car-
 7 rying on of the work of such association, such expenses to be audited under the
 8 direction of the judges and the expenses in each circuit consisting of more than
 9 one county to be apportioned among the several counties in proportion to the
 10 number of attorneys at law authorized to practice in the courts of this State
 11 and resident in the respective counties of such circuit.

12 *Second*—STENOGRAPHIC AND TYPE-WRITING DEPARTMENT.] The expenses of
 13 the stenographic and type-writing department, such expenses to be ascertained

14 and apportioned in the same manner as the expenses provided for in Clause
 15 First of this section.

16 *Third—BLANKS.*] The expenses of procuring and distributing the blanks
 17 required by this Act to be procured and distributed by the clerks of courts of
 18 record.

Sec. 135. SUPREME COURT MAY REDUCE LICENSE FEE WHEN.] Whenever the
 2 amount of money on deposit with the State Treasurer and constituting the at-
 3 torneys' fund hereinbefore provided for shall appear to the supreme court to
 4 be more than sufficient for the purposes to which such attorneys' fund is re-
 5 quired by this Act to be applied, and the court shall be of opinion that a
 6 smaller license fee will produce ample funds for such purposes, the court may,
 7 by an order entered of record, reduce such license fee to such sum as, in the
 8 opinion of the court, will produce funds ample for the purposes aforesaid, and
 9 such reduction shall be applied upon the twenty dollars (\$20) of each license
 10 fee required by this Act to be transmitted by the clerk of the circuit court to the
 11 State Treasurer.

DIVISION IX.

THE DIFFERENT KINDS OF ACTIONS AND PROCEEDINGS IN COURTS OF RECORD.

SECTION	SECTION
136. Actions—division and classification— how classification expressed on record.	137. Actions—criminal, quasi criminal and civil—definitions.

Sec. 136. ACTIONS—DIVISION AND CLASSIFICATION—HOW CLASSIFICATION EX-
 2 PRESSED ON RECORD.] Actions and proceedings in courts of record of original jur-
 3 isdiction shall be divided into the following general divisions:

4 *First*—ACTIONS FOR MONEY.] Actions at law for the recovery of money only,
 5 which shall include all actions at law on contracts, all actions at law for torts in
 6 which the plaintiff seeks the recovery of money only, and all quasi criminal ac-
 7 tions, which actions, for convenience in keeping the records of the **several courts**
 8 of original jurisdiction, shall be classified as follows:

9 *a*—CONTRACT.] Contract actions, which shall include all actions at law on
 10 contracts, express or implied, for the recovery of money only, and not otherwise
 11 classified in this section, which classification shall be expressed upon the record
 12 by the word “CONTRACT.”

13 *b*—TORT.] Tort actions, which shall include all actions at law for the re-
 14 covery of damages only for torts, which classification shall be expressed upon
 15 the record by the word “TORT.”

16 *c*—ATTACHMENT.] Attachment actions, which shall include all actions
 17 brought in pursuance of the provisions of law permitting the attachment of
 18 property, which classification shall be expressed upon the record by the words,
 19 “ATTACHMENT,” or “ATTACHMENT OF WATER CRAFT,” as the case may be.

20 *d*—DISTRESS FOR RENT.] Distress for rent actions, which shall include all
 21 actions brought by landlords against their tenants for rent and which are com-
 22 menced by the levying of distress warrants, which classification shall be expressed
 23 upon the record by the words “DISTRESS FOR RENT.”

24 *e*—QUASI CRIMINAL.] Quasi criminal actions, which shall include all actions
 25 for the recovery of fines or penalties for the violation of ordinances of muni-
 26 cipal corporations, all qui tam actions and all other actions brought to recover
 27 fines or penalties accruing to the State, or any county, village, incorporated
 28 town or towns not incorporated, or to any individual, for the recovery of which
 29 an indictment or information will not lie, which classification shall be ex-
 30 pressed upon the record by the words, “QUASI CRIMINAL.”

31 *f*—CONFESSION.] Confessions of judgments for money, which classification
 32 shall be expressed upon the record by the word “CONFESSION.”

g—RECOGNIZANCE.] Recognizance actions, which shall include all actions brought on recognizances, which classification shall be expressed upon the record by the word “RECOGNIZANCE.”

h—REVIVAL OF JUDGMENT.] Revival of judgment actions, which shall include all actions brought to revive judgments, which classification shall be expressed upon the record by the words “REVIVAL OF JUDGMENT.”

Second—ACTIONS FOR PERSONAL PROPERTY.] Actions at law for the recovery of personal property, which actions, for convenience in keeping the records of the several courts of **original jurisdiction**, shall be classified as follows:

a—REPLEVIN.] Replevin actions, which shall include all actions of replevin, which classification shall be expressed upon the record by the word “REPLEVIN.”

b—TRIAL RIGHT OF PROPERTY.] Trial of the right of **property actions**, which shall include all **statutory proceedings**, other than actions of replevin, for the trial of the right of **property levied upon** under executions, writs of **attachment** or tax warrants, which classification shall be expressed upon the record by the words “TRIAL RIGHT OF PROPERTY.”

Third—ACTIONS FOR REAL PROPERTY.] Actions at law for the recovery of real property, which, for convenience in keeping the records of the several courts of original jurisdiction, shall be classified as follows:

a—EJECTMENT.] Ejectment actions, which shall include all actions of ejectment, which classification shall be expressed upon the record by the word “EJECTMENT.”

b—FORCIBLE DETAINER.] Forcible detainer actions, which shall include all actions of forcible detainer or forcible entry and detainer, which classification shall be expressed upon the record by the words “FORCIBLE DETAINER.”

Fourth—SPECIAL ACTIONS.] Special actions not included in the preceding or subsequent clauses of this section, which, for convenience in keeping the records of the several courts of original jurisdiction, shall be classified as follows:

61 *a*—MANDAMUS.] Mandamus actions, which shall include all actions of man-
 62 damus, which classification shall be expressed upon the record by the word
 63 “MANDAMUS.”

64 *b*—QUO WARRANTO.] Quo warranto actions, which shall include all actions
 65 of quo warranto, which classification shall be expressed upon the record by the
 66 words “QUO WARRANTO.”

67 *c*—HABEAS CORPUS.] Habeas corpus actions, which shall include all actions
 68 of habeas corpus, which classification shall be expressed upon the record by the
 69 words “HABEAS CORPUS.”

70 *d*—CERTIORARI.] Certiorari actions, which shall include all actions of certi-
 71 orari, which classification shall be expressed upon the record by the word “CER-
 72 TIORARI.”

73 *e*—EMINENT DOMAIN.] Eminent domain actions, which shall include all ac-
 74 tions for the exercise of the right of eminent domain, which classification shall
 75 be expressed upon the record by the words “EMINENT DOMAIN.”

76 *Fifth*—EQUITY.] Actions in equity, which shall include all actions in equity
 77 as defined in section one hundred forty (140) of this Act, the classification of
 78 which shall be expressed upon the record by the words “IN EQUITY.”

79 *Sixth*—BASTARDY.] Actions of bastardy, which shall include all prosecutions
 80 for bastardy, the classification of which shall be expressed upon the record by
 81 the word “BASTARDY.”

82 *Seventh*—PROBATE MATTERS.] Probate matters, which shall include all ac-
 83 tions and proceedings embraced within the jurisdiction of probate courts, which
 84 actions and proceedings, for convenience in keeping the records of probate courts
 85 and county courts, shall be classified as follows:

86 *a*—ADMINISTRATION.] Proceedings pertaining to the administration of estates
 87 of deceased persons, which classification shall be expressed upon the record by
 88 the word “ADMINISTRATION.”

89 *b*—GUARDIANSHIP.] Proceedings pertaining to guardians of minors, which
90 classification shall be expressed upon the record by the word “GUARDIANSHIP.”

91 *c*—CONSERVATORSHIP.] Proceedings pertaining to conservators, which classi-
92 fication shall be expressed upon the record by the word “CONSERVATORSHIP.”

93 *d*—APPRENTICESHIP.] Proceedings pertaining to apprentices, which classifi-
94 cation shall be expressed upon the record by the word “APPRENTICESHIP.”

95 *e*—SALES OF REAL ESTATE.] Proceedings for the sale of real estate of deceased
96 persons for the payment of debts, which classification shall be expressed upon
97 the record by the words “SALE OF REAL ESTATE TO PAY DEBTS.”

98 *Eighth*—APPEALS, ETC., FROM JUSTICES.] Appeals from and writs of certiorari
99 to justices of the peace, the classification of which shall be expressed upon the
100 record by the words and abbreviations “APPEAL FROM J. P.” or “CERTIORARI TO
101 J. P.,” as the case may be.

102 *Ninth*—PROBATE APPEALS.] Appeals from orders of county courts and pro-
103 bate courts allowing or disallowing any wills to probate, the classification of
104 which shall be expressed upon the record by the words “PROBATE APPEAL.”

105 *Tenth*—SUPPLEMENTARY PROCEEDINGS.] Supplementary proceedings, which
106 shall include all proceedings by citation hereinafter provided for the collection of
107 judgments and decrees for the payment of money, the classification of which
108 shall be expressed upon the record by the words “SUPPLEMENTARY PRO-
109 CEEDING.”

110 *Eleventh*—TAX PROCEEDING.] Tax proceedings, which shall include all spe-
111 cial proceedings, other than actions at law, for the collection of taxes, the classi-
112 fication of which shall be expressed upon the record by the words “TAX
113 PROCEEDING.”

114 *Twelfth*—SPECIAL ASSESSMENTS.] Special assessment proceedings, which
115 shall include all special proceedings for the collection of special assessments, the
116 classification of which shall be expressed upon the record by the words “SPECIAL
117 ASSESSMENT.”

118 *Thirteenth*—CONTEMPTS.] Actions of contempt, which shall include all ac-
 119 tions for civil contempt of court, the classification of which shall be expressed
 120 upon the record by the word “CONTEMPT.”

121 *Fourteenth*—CRIMINAL ACTIONS.] Criminal actions, which shall include all
 122 actions which are prosecuted by indictment or criminal information or criminal
 123 complaint, and actions for criminal contempt of court, the classification of which
 124 shall be expressed upon the record by the word “CRIMINAL.”

125 *Fifteenth*—PEACE PROCEEDINGS.] Peace proceedings, which shall include all
 126 proceedings for the prevention of the commission of crimes, the classification of
 127 which shall be expressed upon the record by the words “PEACE PROCEEDING.”

128 *Sixteenth*—EXAMINATION PROCEEDINGS.] Examination proceedings, which
 129 shall include all proceedings for the arrest, examination, commitment and bail of
 130 persons charged with criminal offenses, the classification of which shall be ex-
 131 pressed upon the record by the word “EXAMINATION.”

132 *Seventeenth*—SEARCH WARRANT PROCEEDINGS.] Search warrant proceedings,
 133 which shall include all proceedings pertaining to searches and seizures of per-
 134 sonal property by means of search warrants, the classification of which shall be
 135 expressed upon the record by the words “SEARCH WARRANT.”

136 *Eighteenth*—INSANITY PROCEEDINGS.] Insanity proceedings, which shall in-
 137 clude all proceedings for the committment and detention of lunatics, the classifi-
 138 cation of which shall be expressed upon the record by the word “INSANE.”

139 *Nineteenth*—SPECIAL PROCEEDINGS.] Special proceedings, which shall include
 140 all proceedings not embraced in those hereinbefore designated, the classification
 141 of which shall be expressed upon the record by the words “SPECIAL PROCEED-
 142 ING,” or by such other words as will sufficiently indicate the nature thereof.

Sec. 137. ACTIONS—CRIMINAL, QUASI CRIMINAL AND CIVIL—DEFINITIONS.] Ac-
 2 tions and proceedings shall also be known as criminal, quasi criminal and civil.
 3 Criminal actions and proceedings are those prosecuted by and in the name of the
 4 People of the State of Illinois by indictments, criminal informations or crim-

5 inal complaints, against persons charged with public offenses for the punish-
 6 ment thereof, or which pertain to the prosecution or prevention of such offenses,
 7 including criminal contempts of court. Quasi criminal actions shall include all
 8 actions for the recovery of fines or penalties for the violation of ordinances of
 9 municipal corporations, all qui tam actions and all other actions brought to
 10 recover statutory fines or penalties accruing to the State or to any county, city,
 11 village, incorporated town, or town not incorporated, or to any individual, and
 12 which are prosecuted otherwise than by indictment, information or criminal
 13 complaint. Civil actions shall include all actions not criminal or quasi criminal.

 DIVISION X.

JURISDICTION OF COURTS OVER THE SUBJECT-MATTER OF ACTIONS AND PROCEEDINGS.

SECTION

- 138. Jurisdiction of county courts.
- 139. Jurisdiction of probate courts.
- 140. Original jurisdiction of circuit courts and superior court of Cook county.
- 141. Appellate jurisdiction of circuit courts and superior court of Cook county.
- 142. Jurisdiction of criminal court of Cook county.
- 143. Jurisdiction of city courts.

SECTION

- 144. Jurisdiction of appellate courts.
- 145. Jurisdiction of supreme court.
- 146. Jurisdiction in actions of contempt.
- 147. When order, judgment or decree not void collaterally.
- 148. Action not within jurisdiction to be transferred or remanded to proper court.

Sec. 138. JURISDICTION OF COUNTY COURTS.] County courts shall have juris-
 2 diction in the following cases:

3 *First*—PROBATE MATTERS.] All matters of probate, settlement of estates of
 4 deceased persons, appointment of guardians and conservators and settlement
 5 of their accounts; all matters relating to apprentices, and in cases of the sale
 6 of real estate of deceased persons for the payment of debts, all of which shall
 7 be known and designated in this Act as probate matters: *Provided, however,*
 8 that county courts in counties in which probate courts are or may hereafter be

9 established by law shall not have jurisdiction in any such probate matters.

10 *Second*—TAX AND SPECIAL ASSESSMENT PROCEEDINGS.] All proceedings for the
11 collection of taxes and assessments.

12 *Third*—APPEALS, ETC., FROM JUSTICES.] All appeals from and writs of cer-
13 tiorari to justices of the peace in their respective counties: *Provided, however,*
14 that the county court of Cook county shall have no jurisdiction of appeals
15 from or writs of certiorari to justices of the peace in criminal or quasi criminal
16 actions.

17 *Fourth*—ACTIONS FOR MONEY.] Every confession of judgment without limit
18 as to the amount of money for which the judgment is confessed, every recogni-
19 zance action, without limit as to the amount of the recognizance, and every other
20 action at law for the recovery of money only, when the amount claimed by the
21 plaintiff, exclusive of costs, does not exceed two thousand five hundred dollars
22 (\$2,500), the amount in any action on a penal bond to be determined by the
23 amount sought to be recovered as damages for the breach or breaches thereof, and
24 not by the penalty of the bond.

25 *Fifth*—REPLEVIN.] Every action of replevin, when the value of the prop-
26 erty sought to be recovered does not exceed two thousand five hundred dollars
27 (\$2,500).

28 *Sixth*—TRIAL OF RIGHT OF PROPERTY.] All actions for the trial of the right of
29 property.

30 *Seventh*—EMINENT DOMAIN.] All actions of eminent domain.

31 *Eighth*—FORCIBLE DETAINER.] All actions of forcible detainer or forcible
32 entry and detainer.

33 *Ninth*—BASTARDY.] All actions of bastardy.

34 *Tenth*—CRIMINAL ACTIONS, PEACE, EXAMINATION AND SEARCH WARRANT PROCEED-
35 INGS.] Every criminal action in which the punishment is not imprisonment in the
36 penitentiary or death and all peace proceedings, examination proceedings and
37 search warrant proceedings.

38 *Eleventh*—CONSENT JURISDICTION.] Every action at law or in equity, criminal
 39 actions excluded, which all of the parties thereto may consent in writing, shall
 40 be heard and finally determined therein: *Provided, however*, that no such ac-
 41 tion shall be so heard and determined when any or either of the parties thereto
 42 shall be a minor, or *non compos mentis*, or otherwise under legal disability to
 43 enter into contracts.

44 *Twelfth*—SUPPLEMENTARY PROCEEDINGS.] All supplementary proceedings
 45 for the collection of judgments and decrees for money.

46 *Thirteenth*—OTHER ACTIONS.] All other actions and proceedings not in-
 47 cluded in those above enumerated of which county courts may have jurisdic-
 48 tion by any law or laws, other than this Act, in force at the time of the taking
 49 effect of this Act and not inconsistent with the provisions hereof.

Sec. 139. JURISDICTION OF PROBATE COURTS.] Probate courts shall have original
 2 jurisdiction in their respective counties in all probate matters, settlement of
 3 estates of deceased persons, appointment of guardians and conservators and set-
 4 tlement of their accounts; in all matters relating to apprentices, and in cases of
 5 the sale of real estate of deceased persons for the payment of debts, all of
 6 which, as hereinbefore provided, shall be known and designated as probate
 7 matters.

Sec. 140. ORIGINAL JURISDICTION OF CIRCUIT COURTS AND SUPERIOR COURT OF
 2 COOK COUNTY.] Circuit courts and the superior court of Cook county shall have
 3 original jurisdiction in the following cases:

4 *First*—ACTIONS FOR MONEY.] All actions at law for the recovery of money
 5 only.

6 *Second*—REPLEVIN.] All actions of replevin.

7 *Third*—TRIAL OF RIGHT OF PROPERTY.] All actions for the trial of the right
 8 of property.

9 *Fourth*—EMINENT DOMAIN.] All actions of eminent domain.

10 *Fifth*—FORCIBLE DETAINER.] All actions of forcible detainer and forcible
11 entry and detainer.

12 *Sixth*—EJECTMENT.] All actions of ejectment.

13 *Seventh*—MANDAMUS.] All actions of mandamus.

14 *Eighth*—QUO WARRANTO.] All actions of quo warranto.

15 *Ninth*—HABEAS CORPUS.] All actions of habeas corpus.

16 *Tenth*—CERTIORARI.] All actions of certiorari.

17 *Eleventh*—CRIMINAL ACTIONS, PEACE, EXAMINATION AND SEARCH WARRANT PRO-
18 CEEDINGS.] All criminal actions and all peace proceedings, examination proceed-
19 ings and search warrant proceedings.

20 *Twelfth*—EQUITY.] All actions in equity, which shall embrace as well all
21 actions within the ordinary and usual jurisdiction of courts of equity, as here-
22 tofore exercised in this State, as all statutory actions the procedure in which is
23 equitable in form, including all actions for divorce, all actions for separate main-
24 tenance, all actions for the assignment of dower, all actions for partition of
25 real estate, all actions for the contesting of last wills and testaments, all actions
26 to enforce mechanics' or other liens, all actions to inquire into the condition
27 of and determine and establish title to or interest in, or lien upon, real estate in
28 cases of destruction of records, and all other actions which, by the provisions
29 of this act, may be brought as actions in equity.

30 *Thirteenth*—OTHER ACTIONS.] All other actions and proceedings not included
31 in those above enumerated of which circuit courts may have jurisdiction by any
32 law or laws, other than this Act, in force at the time of the taking effect of this
33 Act and not inconsistent with the provisions hereof.

Sec. 141. APPELLATE JURISDICTION OF CIRCUIT COURTS AND SUPERIOR COURT OF
2 COOK COUNTY.] Circuit courts and the superior court of Cook county shall have
3 appellate jurisdiction in the following cases:

4 *First*—APPEALS, ETC., FROM JUSTICES.] All appeals from and writs of cer-
5 tiorari to justices of the peace: *Provided, however,* that the circuit court of

6 Cook county and the superior court of Cook county shall have no jurisdiction of
 7 appeals from or writs of certiorari to justices of the peace in criminal or quasi
 8 criminal actions, and that no recognizances in criminal or quasi criminal actions
 9 in said county shall be returnable to either of said courts.

10 *Second*—PROBATE APPEALS.] All appeals from orders of county and probate
 11 courts allowing or disallowing any wills to probate.

12 *Third*—SPECIAL APPEALS.] All appeals in special proceedings, not included
 13 in those above enumerated, of which circuit courts are given jurisdiction by
 14 any law or laws, other than this Act, in force at the time of the taking effect
 15 of this Act and not inconsistent with the provisions hereof.

Sec. 142. JURISDICTION OF CRIMINAL COURT OF COOK COUNTY.] The criminal
 2 court of Cook county shall have the jurisdiction of a circuit court in all actions
 3 of criminal and quasi criminal nature arising in the county of Cook or that
 4 may be brought before such court pursuant to law; and all recognizances and
 5 appeals taken in said county in criminal and quasi criminal actions shall be
 6 returnable and taken to said court. It shall have no jurisdiction in civil actions
 7 except in those on behalf of the people and incident to such criminal or quasi
 8 criminal matters and to dispose of unfinished business.

Sec. 143. JURISDICTION OF CITY COURTS.] City courts shall have concurrent
 2 jurisdiction with the circuit courts of their respective counties within the re-
 3 spective cities in which such city courts may be established in all civil actions
 4 and in all criminal and quasi criminal actions arising in said cities respectively,
 5 and in appeals from and writs of certiorari to justices of the peace in said
 6 cities: *Provided, however,* that no city court in Cook county shall have juris-
 7 diction of appeals from or writs of certiorari to justices of the peace in crim-
 8 inal or quasi criminal actions.

Sec. 144. JURISDICTION OF APPELLATE COURTS.] The appellate courts in their

2 respective districts shall, excepting as may be otherwise expressly provided in
3 this Act, have the following jurisdiction:

4 *First*—FINAL ORDERS, JUDGMENTS AND DECREES.] Jurisdiction of appeals from
5 and writs of error to county courts, probate courts, circuit courts, city courts,
6 the superior court of Cook county and the criminal court of Cook county, to
7 review the final orders, judgments and decrees of said courts, other than those
8 of which the supreme court is given appellate jurisdiction by clause third of the
9 succeeding section, which appeals to and writs of error from the appellate
10 courts may be prosecuted as a matter of right.

11 *Second*—INTERLOCUTORY ORDERS.] Jurisdiction of appeals from county courts,
12 probate courts, circuit courts, city courts, the superior court of Cook county
13 and the criminal court of Cook county, to review all interlocutory orders, judg-
14 ments and decrees of said courts, other than those of which the Supreme Court
15 is given appellate jurisdiction by clause fourth of the succeeding section, such
16 appeals to be allowed in the discretion of the courts entering the interlocutory
17 orders, judgments or decrees, or of the Appellate Court, excepting that such
18 appeals may be taken as a matter of right for the purpose of reviewing the
19 following interlocutory orders:

20 *a*—INJUNCTIONS.] Every order granting or refusing to grant an injunc-
21 tion, or dissolving or refusing to dissolve an injunction previously granted, or
22 modifying or changing, or refusing to modify or change, an injunction order
23 previously granted.

24 *b*—RECEIVERS.] Every order appointing or refusing to appoint a receiver,
25 or vacating or refusing to vacate an order appointing a receiver, or modifying
26 or changing, or refusing to modify or change, an order previously granted for
27 the appointment of a receiver.

28 *c*—RECEIVERSHIP ORDERS OF SALE, ETC.] Every order directing the payment
29 of money by any receiver, or a sale or disposition by any receiver of any prop-

erty, or approving or refusing to approve, in whole or in part, any account of any receiver.

d NEW TRIALS.] Every order granting a new trial in any action, whether tried by jury or by the court without the intervention of a jury, when such new trial is granted because, in the opinion of the trial court, the verdict of the jury or the finding of the court is contrary to the evidence, or errors of law have been committed by the trial court during the progress of the trial.

Trial—APPEALS FROM AND WRITS OF ERROR TO MUNICIPAL COURT OF CHICAGO.] Such jurisdiction of appeals from and writs of error to the municipal court of Chicago as may be conferred upon said appellate courts by the laws in force from time to time in relation to said municipal court.

Sec. 145. JURISDICTION OF SUPREME COURT.] The Supreme Court shall have the following jurisdiction:

First—ORIGINAL JURISDICTION.] Original jurisdiction in actions relating to the revenue, in mandamus and habeas corpus.

Second—APPELLATE JURISDICTION TO REVIEW APPELLATE COURTS.] Appellate jurisdiction to review the final orders, judgments and decrees of the appellate courts by appeals to be prosecuted in the discretion of the appellate courts, or of any one or more of the judges thereof, in all actions for the recovery of money only or personal property only, or both money and personal property, when the sum or value in controversy does not exceed five thousand dollars (\$5,000), exclusive of costs, and by appeals to be prosecuted in the discretion of the supreme court in all other actions and proceedings: *Provided, however,* that when, in any case finally determined in an appellate court, the sum or value in controversy does not exceed five thousand dollars (\$5,000), exclusive of costs, an appeal may be prosecuted in the discretion of the supreme court for the review of any decision of the appellate court respecting its own jurisdiction or powers, or respecting the jurisdiction or powers of the court from which

18 an appeal has been prosecuted to or to which a writ of error has been prosecuted
 19 from such appellate court: *And, provided, further,* that for the review of any
 20 decision of an appellate court in a criminal action or in an action involving a free-
 21 hold, a franchise or the validity of a statute an appeal to the supreme
 22 court may be prosecuted as a matter of right by any person interested in such
 23 action.

24 *Third*—APPELLATE JURISDICTION TO REVIEW FINAL ORDERS OF COURTS OF ORIG-
 25 INAL JURISDICTION.] Appellate jurisdiction to review by appeal or writ of error
 26 the final orders, judgments and decrees of county courts, probate courts, city
 27 courts, circuit courts, the superior court of Cook county and the criminal court
 28 of Cook county, in the following actions and proceedings:

29 *a*—STATUTE.] Every action or proceeding involving the validity of any
 30 statute of this State or of the United States.

31 *b*—STATE OR FEDERAL CONSTITUTION.] Every action or proceeding involving
 32 the construction of the constitution of this State or of the constitution of the
 33 United States.

34 *c*—FEDERAL QUESTION.] Every action or proceeding involving any question
 35 the decision of which either party to the action may be entitled to have re-
 36 viewed upon writ of error by the Supreme Court of the United States.

37 *d*—JURISDICTION.] Every action or proceeding in which there is a *bona fide*
 38 dispute as to the jurisdiction of a court of original jurisdiction over the sub-
 39 ject matter of an action.

40 *e*—CRIMINAL.] Every criminal action.

41 *f*—QUO WARRANTO.] Every quo warranto action.

42 *g*—MANDAMUS.] Every mandamus action.

43 *h*—HABEAS CORPUS.] Every habeas corpus action.

44 *i*—FRANCHISE.] Every action or proceeding involving a franchise.

45 *j*—FREEHOLD.] Every action or proceeding involving a freehold.

46 *k*—REVENUE.] Every action or proceeding relating to the revenue.

47 *l*—STATE INTERESTED.] Every action or proceeding in which the State is
 48 interested as a party or otherwise.

49 *m*—JURY CASES INVOLVING OVER \$5,000.] Every action at law for the recov-
 50 ery of money only or personal property only, or both, tried by jury, when the
 51 amount in controversy, exclusive of costs, exceeds five thousand dollars (\$5,000).

52 *n*—TAX AND SPECIAL ASSESSMENT.] Every proceeding for the collection of
 53 taxes or special assessments.

54 *o*—EMINENT DOMAIN.] Every domain action.

55 *p*—SALE OF REAL ESTATE.] Every proceeding for the sale of real estate of a
 56 deceased person for the payment of debts.

57 *q*—ELECTION CONTEST.] Every proceeding for the contesting of an election.

58 *r*—VALIDITY OF ORDINANCE.] Every action involving the validity of an ordi-
 59 nance of a municipal corporation.

60 *Fourth*—APPELLATE JURISDICTION TO REVIEW INTERLOCUTORY ORDERS OF COURTS
 61 OF ORIGINAL JURISDICTION.] Appellate jurisdiction to review by appeal the in-
 62 terlocutory orders, judgments and decrees of county courts, probate courts, city
 63 courts, circuit courts, the superior court of Cook county and the criminal court
 64 of Cook county in actions in which the State is interested as a party or other-
 65 wise and actions involving the validity of a statute of this State or of
 66 the United States or the construction of the constitution of this State or of the
 67 United States, and in such other actions as such courts may, in their discretion,
 68 allow interlocutory appeals to be taken directly to the supreme court.

69 *Fifth*—JURISDICTION TO REVIEW MUNICIPAL COURT OF CHICAGO.] Jurisdiction of
 70 such appeals from and writs of error to the municipal court of Chicago as may be
 71 conferred upon it by the laws in force from time to time relating to said court.

72 *Sixth*—OTHER APPELLATE JURISDICTIONS.] Such other appellate jurisdiction
 73 as is hereinafter provided for, or as may be conferred by laws now in force
 74 and not inconsistent with this Act.

Sec. 146. JURISDICTION IN ACTIONS OF CONTEMPT.] Every court of record, in addition to its jurisdiction as hereinbefore provided, shall have jurisdiction of the action of contempt and also jurisdiction of criminal actions instituted for the punishment of criminal contempts, such jurisdiction to be exercised in the manner and to the extent hereinafter provided.

Sec. 147. WHEN ORDER, JUDGMENT OR DECREE NOT VOID COLLATERALLY.] No order, judgment or decree hereafter rendered in any county, probate, circuit or city court, or in the superior court of Cook county, in any civil action or proceeding, shall be held void in any collateral proceeding for want of jurisdiction of such court over the subject matter thereof because of any error or mistake as to the form of action or mode of procedure made use of in the disposition thereof, if such order, judgment or decree be one within the power of the court to have entered in any proper form of action or by any proper method of procedure; nor shall any order, judgment or decree of any county, circuit or city court, or of the superior court of Cook county in any civil action or proceeding be held void in any proceeding, either direct or collateral, for want of jurisdiction of such court over the subject matter thereof, when the action is one of which such court might be but is not given jurisdiction of the subject matter by law, if it affirmatively appears from the record thereof that all of the parties thereto expressly consented to the hearing and determination of such action by such court, and it does not appear that any party thereto was an infant, *non compos mentis*. or otherwise under disability to enter into contracts.

Sec. 148. ACTION NOT WITHIN JURISDICTION TO BE TRANSFERRED OR REMANDED TO PROPER COURT.] When any action brought in any court of record is one of which such court is not authorized by law to entertain jurisdiction, the court, unless satisfied such action has been so brought in bad faith and not because of an honest mistake of the plaintiff or his attorney as to the jurisdiction of such

6 court, shall not dismiss such action, but shall transfer the same to such other
7 court of record as may rightfully entertain jurisdiction thereof and shall make
8 such order respecting the costs of such action as the court, under all the cir-
9 cumstances of the case may deem just and equitable, and the court to which
10 such action is so transferred shall determine said action and the same shall be
11 treated, for all purposes, including the application of any statute of limita-
12 tions, as having been commenced in said court at the time it was commenced
13 in the court from which the same has been transferred. Whenever the su-
14 preme court or any appellate court in any action brought thereto by appeal or
15 writ of error shall reverse any order, judgment or decree of any inferior court
16 for want of jurisdiction in such inferior court of the subject matter of the ac-
17 tion, it shall be the duty of the supreme court, or appellate court, as the case
18 may be, to remand the action to some court of competent jurisdiction to be
19 designated by said supreme court or appellate court and the court to which
20 the action is remanded shall determine the same and the same shall be treated
21 for all purposes, including the application of any statute of limitations, as
22 having been commenced in said court at the time it was commenced in the court
23 whose order, judgment or decree has been reversed as aforesaid.

DIVISION XI.

PARTIES TO ACTIONS.

SECTION

- 149. Parties to actions—how known.
- 150. Plaintiff—petitioner—claimant—cross-plaintiff.
- 151. Defendant—cross-defendant.
- 152. Intervener.
- 153. Garnishee.
- 154. Joinder of persons as plaintiffs.
- 155. Joinder of persons as defendants.
- 156. Rule as to joinder of defendants in case of doubt.
- 157. Party refusing to join as plaintiff may be joined as defendant.
- 158. Persons in individual capacity may be joined with persons in representative capacity—how judgments may be enforced.

SECTION

- 159. Actions by co-partners.
- 160. Actions against co-partners.
- 161. Assignee of chose in action.
- 162. Procedure in case of non-joinder of proper parties.
- 163. Action commenced in name of or against wrong person—procedure.
- 164. Procedure in case of misjoinder.
- 165. Action prosecuted by guardian, conservator or next friend.
- 166. Substitution of parties.
- 167. Other order as to parties.

Sec. 149. PARTIES TO ACTIONS—HOW KNOWN.] The parties to actions shall be known as plaintiffs, petitioners, claimants, defendants, interveners and garnishees.

Sec. 150. PLAINTIFF—PETITIONER—CLAIMANT—CROSS-PLAINTIFF.] A plaintiff is a person in whose name an action at law or in equity, or a special proceeding, is prosecuted. A person in whose name a petition or claim is prosecuted may also be called a petitioner or claimant, as the case may be. If, after an action in equity or special proceeding is commenced, any defendant in such action shall file a cross-bill of complaint or cross-petition, he shall be known as a cross-plaintiff.

Sec. 151. DEFENDANT—CROSS-DEFENDANT.] A defendant is a person against whom an action at law or in equity or a special proceeding is prosecuted. If, after an action in equity or special proceeding is commenced, any defendant in such action shall file a cross-bill of complaint or cross-petition, any defendant therein named shall be known as a cross-defendant.

Sec. 152. INTERVENER.] An intervener is a person who, not being made a
 2 party to an action or special proceeding, either plaintiff or defendant, or cross-
 3 plaintiff or cross-defendant, is admitted by the court to intervene in such action
 4 or special proceeding for the purpose of asserting some right, title or interest
 5 in the subject matter thereof or in property involved therein.

Sec. 153. GARNISHEE.] A garnishee is a person who is made a party to an
 2 action for the purpose of securing, out of the moneys due from him to a debtor,
 3 or property held by him belonging to such debtor, or in which such debtor is
 4 interested, the satisfaction, in whole or in part, of a claim established or pro-
 5 posed to be established against such debtor by a creditor.

Sec. 154. JOINDER OF PERSONS AS PLAINTIFFS.] All persons may be joined
 2 as plaintiffs in one action, whether at law or in equity, in whom any right to
 3 relief in respect of or arising out of the same occurrence or transaction, or
 4 series of occurrences or transactions, is alleged to exist, whether jointly, sever-
 5 ally or in the alternative, where, if such persons brought separate actions, any
 6 common question of law or fact would arise.

Sec. 155. JOINDER OF PERSONS AS DEFENDANTS.] All persons may be joined
 2 as defendants in any action, whether at law or in equity, against whom the
 3 right to any relief is alleged to exist, whether jointly, severally, or in the
 4 alternative.

Sec. 156. RULE AS TO JOINDER OF DEFENDANTS IN CASE OF DOUBT.] When
 2 the plaintiff in any action, whether at law or in equity, is in doubt as to the
 3 person against whom he is entitled to relief he may join two or more defend-
 4 ants, to the intent that the question as to which, if any, of the defendants is
 5 liable, and to what extent, may be determined as between all the parties.

Sec. 157. PARTY REFUSING TO JOIN AS PLAINTIFF MAY BE JOINED AS DEFEND-
 2 ANT.] If any person proper to be joined as plaintiff in any action at law shall,

3 upon request, not consent to join therein. he may be joined as a defendant,
 4 but in every such case the statement of claim filed by the plaintiff or plaintiffs
 5 shall show that such claim is a joint claim of the plaintiff or plaintiffs and of
 6 the person thus joined as defendant against the other defendant or defendants.
 7 If, in any such action, it appears that the plaintiff or plaintiffs and the per-
 8 son so joined as defendant are entitled to recover against the other defend-
 9 ants or any of them, judgment shall be rendered in favor of the plaintiff or plain-
 10 tiffs and the person so joined as defendant and against the other defendant or
 11 defendants accordingly; but in such case the person so joined as defendant as
 12 aforesaid shall not be permitted to receive any benefit from the judgment so
 13 recovered until he shall have paid to the plaintiff or plaintiffs his equitable
 14 share of the expense, including attorney's fees, incurred by the plaintiff or
 15 plaintiffs in the prosecution of the action and also just compensation to the
 16 plaintiff or plaintiffs for his or their personal services therein, such equitable
 17 share to be fixed and determined by the court in which the judgment is re-
 18 covered and such payment to be made within such time as may be fixed there-
 19 for by the court. The praecipe and statement of claim in a case provided
 20 for in this section may be in substantially the form prescribed in section two
 21 hundred fifty two (252) of this Act.

Sec. 158. PERSONS IN INDIVIDUAL CAPACITY MAY BE JOINED WITH PERSONS IN
 2 REPRESENTATIVE CAPACITY—HOW JUDGMENTS ENFORCED.] In any action, whether at
 3 law or in equity, persons suing in their own right may be joined as plaintiffs with
 4 persons suing as executors, administrators or in any other representative capac-
 5 ity, and parties defending in their own right may be joined as defendants with
 6 parties defending as executors, administrators or in any other representative
 7 capacity, and in all such cases the orders and judgments of the court shall be
 8 enforced against the parties suing or defending in a representative capacity in
 9 due course of administration or as may be otherwise provided by law.

Sec. 159. ACTIONS BY CO-PARTNERS.] Any two or more persons claiming
 2 as co-partners may sue in their firm name, either with or without a specification
 3 of the names of the co-partners, but in any such case the plaintiffs, upon de-
 4 mand in writing of any defendant, shall file in the action a statement verified
 5 by affidavit of the names and places of residence of all the persons constituting
 6 the co-partnership, and in every such case any judgment entered in the action
 7 against the co-partnership may be enforced not only against the property of
 8 the co-partnership, but also against the co-partners individually, to the same
 9 extent as if the action had been commenced in the individual names of the co-
 10 partners.

Sec. 160. ACTIONS AGAINST CO-PARTNERS.] Any two or more persons liable
 2 as co-partners may be sued by their firm name, either with or without a speci-
 3 fication of the names of the co-partners. When persons are sued as co-partners
 4 by their firm name they shall appear individually in their own names. Any
 5 judgment rendered in any such action may be enforced not only against the
 6 property of the co-partnership within this State, but also against any person
 7 individually who has been duly served with the summons as a co-partner or
 8 who has entered an appearance in the action.

Sec. 161. ASSIGNEE OF CHOSE IN ACTION.] The assignee and the equitable
 2 and *bona fide* owner of any chose in action not negotiable, heretofore or here-
 3 after assigned, may sue thereon in his own name in an action at law, but in
 4 such case he shall make the assignor a party defendant, if the assignor reside
 5 or may be found within this State, and shall set forth the date when he acquired
 6 title. In every such case there shall be allowed to the defendant, other than the
 7 assignor, not only all just credits, deductions and set-offs of which he could
 8 avail himself were the plaintiff the original owner of such chose in action, but
 9 also such credits, deductions and set-offs as have accrued to him before notice to
 10 him of such assignment.

Sec. 162. PROCEDURE IN CASE OF NON-JOINDER OF PROPER PARTIES.] Whenever

2 in any action, whether at law or in equity, the plaintiff shall fail to join as
 3 plaintiffs or defendants all the persons who ought to have been joined as plain-
 5 tiffs or defendants, as the case may be, the court may, upon motion of any de-
 6 fendant made prior to the trial or hearing of the action, require the plaintiff
 7 to join all such necessary parties as plaintiffs or defendants, as the case may be:
 8 *Provided, however, that no such order shall be made when there is a substantial*
 9 *dispute between the parties as to who are necessary parties to the action, but,*
 10 *in such case, if the plaintiff shall refuse to join as parties any person or per-*
 11 *sons claimed by such defendant to be necessary parties and, upon the trial or*
 12 *hearing of the action, it shall appear that such person or persons are neces-*
 13 *sary parties to the action, the court may dismiss the action at the cost of the*
 14 *plaintiff. The objection of the non-joinder of proper parties shall be deemed*
 15 *waived by the defendant unless the same is made before the calling of the action*
 16 *for trial, unless the fact that proper parties are not joined shall have come*
 17 *to the knowledge of the defendant after the calling of the case for trial; but*
 18 *the court may, of its own motion, at any stage of the proceedings make an*
 19 *order requiring the joinder as a plaintiff or defendant of any person, who, in*
 20 *the opinion of the court, ought to be made a party to the action and may en-*
 21 *force compliance with such order in such manner as the court may deem just*
 22 *and right. Whenever any new party defendant is added, unless his appear-*
 23 *ance is entered, a summons shall be issued and served, or a notice published,*
 24 *as the case may be, in the same manner, as near as may be, as in case of an*
 25 *original summons.*

Sec. 163. ACTION COMMENCED IN NAME OF OR AGAINST WRONG PERSON—PRO-

2 CEDURE.] When an action has been commenced in the name of the wrong per-
 3 son as plaintiff or against the wrong person as defendant, or when it is doubt-
 4 ful whether it has been commenced in the name of the right plaintiff or against

5 the right defendant, the court, if satisfied that it has been so commenced
 6 through a *bona fide* mistake, and that it is necessary for the determination of
 7 the real matter in dispute so to do, may order any other person to be substi-
 8 tuted or added as plaintiff or defendant upon such terms as may be just, and in
 9 such case the time elapsing between the commencement of the action and the
 10 substitution or addition of a party plaintiff or defendant shall not be counted
 11 as any part of the period fixed by any statute of limitations which may be re-
 12 lied upon as a defense by any defendant or defendants.

Sec. 164. PROCEDURE IN CASE OF MISJOINDER.] No action shall be defeated
 2 by reason of the misjoinder of any persons either as plaintiffs or defendants,
 3 but when all the parties who are proper parties to the action are before the
 4 court, the court shall render such judgment as between such proper parties as
 5 the facts in the case may require.

Sec. 165. ACTION PROSECUTED BY GUARDIAN, CONSERVATOR OR NEXT FRIEND.]
 2 An infant, a lunatic or other person under disability, may commence and prose-
 3 cute an action by his guardian, or conservator, or by a next friend. No pre-
 4 vious leave of the court shall be necessary for the commencement or prosecution
 5 of an action by a next friend on behalf of an infant, a lunatic or other person
 6 under disability, but after the commencement of any such action such next
 7 friend shall be subject to the direction and control of the court in which the
 8 action is pending and may be removed by the court, whenever the court shall
 9 see fit.

Sec. 166. SUBSTITUTION OF PARTIES.] Upon the death of any individual party
 2 to an action, or upon the death, resignation or removal of any person who is a
 3 party to an action in a representative capacity, the legal representatives or
 4 heirs, or both, of such individual party, or the successor or successors in office
 5 of such person who is a party in a representative capacity, may, by leave of

6 court, be substituted in his place and may, if necessary, be summoned in such
7 manner and required to appear at such time as the court may direct.

Sec. 167. OTHER ORDERS AS TO PARTIES.] Any other order as to the parties
2 to an action may be made by the court which has been heretofore allowable
3 and may not be inconsistent with the provisions of this Act, or which the court
4 may deem conducive to the final determination of the action upon its merits.

DIVISION XII.

JOINDER OF CAUSES OF ACTION.

SECTION

- 168. Joinder of causes of action allowable to what extent.
- 169. Claims joined in action at law to affect all parties—exceptions.
- 170. Joinder of claims in action at law for recovery of land.

SECTION

- 171. Joinder of claims in action at law for recovery of personal property.
- 172. Claims by or against party individually and in representative capacity in action at law.
- 173. Procedure when claims improperly joined.

Sec. 168. JOINDER OF CAUSES OF ACTION ALLOWABLE TO WHAT EXTENT.] Ex-
2 cepting as may be otherwise expressly provided in this Act the plaintiff may
3 unite in the same action, or the defendant may unite in the same set-off,
4 counter-claim or cross bill, as many distinct causes of action, whether of a legal
5 or equitable nature, as, in his opinion, may be conveniently and expeditiously
6 litigated in one action, subject to the right of any defendant or plaintiff, as
7 the case may be, to apply to the court, as hereinafter provided, for a division
8 of the action, set-off, counter-claim or cross-bill into separate actions or for
9 separate trials of any such causes of action as, in the opinion of the court, can
10 not be conveniently and expeditiously tried and disposed of jointly with the
11 other causes of action.

Sec. 169. CLAIMS JOINED IN ACTION AT LAW TO AFFECT ALL PARTIES—EXCEP-

2 TIONS.] In actions at law only such claims may be joined as may be in favor
3 of all the plaintiffs and against all the defendants, or in favor of all the defend-
4 ants and against all the plaintiffs, with the following exceptions:

5 *First.*—CLAIMS BY OR AGAINST HUSBAND OR WIFE.] Claims by or against hus-
6 band and wife jointly may be joined with claims by or against either of them
7 separately.

8 *Second.*—CLAIMS ARISING OUT OF SAME OCCURRENCE OR TRANSACTION.] Claims
9 in respect of or arising out of the same occurrence or transaction, or series of
10 occurrences or transactions, upon the trial of which a common question of law
11 or fact will arise, may be joined, although such claims are several claims in fa-
12 vor of one or more only of several parties on one side against one or more only
13 of several parties on the other side.

14 *Third.*—CLAIMS AGAINST PRINCIPALS AND SURETIES.] Claims against a por-
15 tion of the parties as principals, the other parties on the same side being sure-
16 ties, may be joined, although one or more of such sureties may be such as to
17 only a portion of the claims.

18 *Fourth.*—OTHER CLAIMS.] Other claims, though not in favor of all the par-
19 ties on one side or against all the parties on the other side, may be joined in the
20 same action at law, whenever, in the opinion of the court, such joinder may
21 be conducive to a speedy and convenient trial and disposition of all the claims
22 sought to be litigated in the action

Sec. 170. JOINDER OF CLAIMS IN ACTIONS AT LAW FOR RECOVERY OF LAND.] No

2 claim shall be joined with an action for the recovery of land, unless it be one
3 for mesne profits or arrears of rent in respect to the premises claimed or some
4 part thereof, or for damages for breach of some contract under which the same
5 or some part thereof is held, or for some wrong or injury to the premises
6 claimed, or to some part thereof.

Sec. 171. JOINDER OF CLAIMS IN ACTION AT LAW FOR RECOVERY OF PERSONAL
 2 PROPERTY.] No claim shall be joined with an action at law for the recovery of
 3 personal property unless it be one for the recovery of damages for the deten-
 4 tion of or for injury to such personal property or some part thereof.

Sec. 172. CLAIMS BY OR AGAINST PARTY INDIVIDUALLY AND IN REPRESENTATIVE
 2 CAPACITY IN ACTION AT LAW.] No claim by or against a party in an individual
 3 capacity shall be joined in an action at law with a claim by or against such party
 4 as an administrator, executor, guardian, conservator, trustee, or other legal
 5 representative, excepting that a claim by or against an administrator, executor,
 6 guardian, conservator or trustee may be joined with a claim by or against him
 7 which is alleged to arise with reference to the estate in respect of which he sues
 8 or is sued as such administrator, executor, guardian, conservator or trustee.

Sec. 173. PROCEDURE WHEN CLAIMS IMPROPERLY JOINED.] When any party
 2 to an action shall object to the court that claims have been improperly joined
 3 therein, the court, if it be of the opinion that such objection is well founded,
 4 shall not on that account dismiss the action, but may either require the action,
 5 set-off, counter-claim or cross-bill to be limited to such of the claims as may be
 6 properly joined, or may direct separate trials of claims which can not be con-
 7 veniently tried together, or it may order that the action be divided into as
 8 many separate actions as the case may require. Upon the making of an order
 9 for the division of an action, the respective parties shall reform their respec-
 10 tive papers by preparing and filing in lieu thereof as many distinct sets of
 11 papers as there are distinct claims which, in the opinion of the court, must be
 12 litigated separately, and thereupon all parties to the original action who have
 13 either appeared therein or have been duly served with process or notified by
 14 publication of notice therein, and who are made parties defendant to the sep-
 15 arate actions, shall be required to file their respective appearances and speci-
 16 fications of defenses or other pleadings in such separate actions in like manner

as if they had been served with process or notified by publication of notice issued or published thereunder, and thereafter such separate actions shall be prosecuted in all respects as if they had been separately commenced in the first instance; but in all such cases the plaintiff or plaintiffs in each separate action shall be required to pay to the clerk of the court, at the time of the filing of his or their papers in the action, the plaintiff's or plaintiffs' costs for the commencement of the action together with the costs payable by the defendants at the time of the entry of their appearances in said separate action. In any case provided for by this section the time elapsing between the commencement of the original action and the commencement of the separate actions shall not be counted as any part of the period fixed by any statute of limitations which may be relied upon as a defense by any defendant or defendants.

DIVISION XIII.

PLACES OF COMMENCING ACTIONS IN COURTS OF RECORD.

SECTION

174. Actions—where brought.

SECTION

175. Action brought in wrong place to be transferred to right court.

Sec. 174. ACTIONS—WHERE BROUGHT.] The places of commencing actions, when the same are commenced in the county courts, circuit courts or city courts, or in the superior court of Cook county, or in the criminal court of Cook county, shall be as follows:

First — ACTIONS AT LAW NOT OTHERWISE PROVIDED FOR.] Every action at law, excepting as may be hereinafter otherwise provided, shall be brought in the county where the defendant, if there be but one defendant, or one of the defendants, if there be more than one defendant, resides or may be found or served with process: *Provided, however,* that, when any such action is brought

10 against more than one defendant and all of the defendants do not reside or are
 11 not found or served with process in the county in which the action is brought,
 12 and judgment is not rendered against any defendant who resides or is found
 13 or served with process in such county, judgment shall not be rendered against
 14 any defendant who does not reside or is not found or served with process in
 15 such county.

16 *Second*—ATTACHMENT AGAINST NON-RESIDENT.] Every attachment action,
 17 when the defendant, if there be but one defendant, or all of the defendants, if
 18 there be more than one defendant, is or are a non-resident or non-residents of
 19 this State, may be brought in any county in which any property of any such
 20 defendant may be levied upon or any garnishee resides or may be found.

21 *Third*—ACTION AGAINST INSURANCE COMPANY.] Every action at law for the
 22 recovery of money only against any insurance company, or surety company,
 23 either incorporated under the laws of this State or doing business in this State,
 24 may be brought in the county in which the plaintiff may reside or carry on busi-
 25 ness and the summons in such action may be served upon the defendant in any
 26 county of this State.

27 *Fourth*—AGAINST COUNTY, CITY, ETC.] Every action at law or in equity
 28 against a county shall be brought in such county and every such action against
 29 a city, village, incorporated town or town not incorporated, shall be brought in
 30 the county in which such city, village, incorporated town or town not incorpo-
 31 rated is situated: *Provided, however,* that when the action is brought against
 32 a city, village or incorporated town parts of which are situated in different
 33 counties, the action may be brought in any county in which any part of such
 34 city, village or incorporated town is situated.

35 *Fifth*—AGAINST RAILROAD OR BRIDGE COMPANY.] Every action at law for the
 36 recovery of money only against a railroad or bridge company, or against the
 37 receiver or receivers of such company, or against the trustee or trustees oper-
 38 ating the railroad or railroads or bridge or bridges of such company, may be

brought in the county where the principal office of such company is located, or in the county where the cause of action accrued, or in any county into or through which its road or roads, or bridge or bridges, may run.

Sixth—AGAINST OTHER INCORPORATED COMPANY.] Every action at law for the recovery of money only against an incorporated company, incorporated under the laws of this State, other than a railroad company, a bridge company or an insurance company, or against the receiver or receivers of such company, or against the trustee or trustees managing the business of such company, may be brought in the county in which its principal office is located or in any other county in which the president, vice-president, secretary, treasurer, cashier, superintendent, general agent or any clerk or other agent of such corporation, or such receiver, trustee or trustees or either of them, or any agent of either of them, may be found and in which such incorporated company may transact business.

Seventh—AGAINST CERTAIN FOREIGN CORPORATIONS.] Every action at law for the recovery of money only against an incorporated company not incorporated under the laws of this State, other than a railroad company, a bridge company or an insurance company, or against the receiver or receivers of such company or against the trustee or trustees managing the business of such company, may be brought in any county in which the president, vice-president, secretary, treasurer, cashier, superintendent, general agent or any clerk or other agent of such corporation, or such receiver or receivers, trustee or trustees, or either of them, or any agent of either of them, may be found, or in any county in which such incorporated company, receiver or receivers, trustee or trustees, or either of them, may transact business: *Provided, however,* that no such action shall be brought against any such company which neither transacts business in this State nor maintains an office therein nor has any property within this State, and no garnishee of which resides or may be found or served with process in this State.

68 *Eighth*—NON-RESIDENT CO-PARTNERSHIP.] Every action at law for the recov-
 69 ery of money only against a co-partnership, the members of which are all non-
 70 residents of this State, may be brought against it by the usual and ordinary
 71 name which it has assumed and under which it is doing business in any county
 72 in which it has a place or places of doing business.

73 *Ninth*—REPLEVIN.] Every action of replevin may be brought in the county
 74 in which the goods and chattels or any part of them are, or in which the de-
 75 fendant, if there be but one defendant, or one of the defendants, if there be
 76 more than one defendant, resides or may be found or served with process.

77 *Tenth*—DISTRESS FOR RENT.] Every action of distress for rent, other than
 78 one against an incorporated company, may be brought in the county in which
 79 the defendant, if there be but one defendant, or one of the defendants, if there
 80 be more than one defendant, resides, if the defendant, when there is but one de-
 81 fendant, or one of the defendants, if there be more than one defendant, is a
 82 resident of this State; but in case the defendant, if there be but one defendant,
 83 or all of the defendants, if there be more than one defendant, shall be a non-
 84 resident or non-residents of this State, or shall have departed this State or on
 85 due inquiry cannot be found, the action may be brought in any county in which
 86 any property of any such defendant may be levied upon under the distress
 87 warrant. Every action of distress for rent brought against any incorporated
 88 company may be brought in the county in which the premises, or any part
 89 thereof, which are the subject of the tenancy, are situated.

90 *Eleventh*—EJECTMENT.] Every action of ejectment, action of forcible de-
 91 tainer or action to recover for a trespass upon or other injury to real estate,
 92 shall be brought in the county in which the premises sought to be recovered, or
 93 for trespass upon which damages are sought to be recovered, is situated.

94 *Twelfth*—IN EQUITY—INJUNCTIONS.] Every action in equity shall be com-
 95 menced in the county in which the defendant or defendants, or one or more of
 96 them, resides, or may be found or served with process, or, if the defendants are

all non-residents, then in any county; or, if the action may affect real estate, in the county where the same or some part thereof is situated: *Provided, however,* that actions for injunctions to stay proceedings at law shall be brought in the county in which the proceedings at law are had and that actions for divorce and actions for separate maintenance shall be brought in the county where the plaintiff resides.

Thirteenth—HABEAS CORPUS.] Every action of habeas corpus, other than one commenced in the supreme court, shall be brought in the county in which the person in whose behalf the action is commenced is imprisoned or restrained of his liberty: *Provided, however,* that when such person is imprisoned under color of process issued out of any court of this State, the action shall be commenced in the county or circuit in which such court is held; and *provided further,* that when any person, not imprisoned under such color of process, shall, after being imprisoned or restrained of his liberty, be taken from one county to another the action may be brought in either county.

Fourteenth—EMINENT DOMAIN.] Every action of eminent domain shall be commenced in the county in which the premises sought to be taken or damaged, or some part thereof, is situated.

Fifteenth—ACTIONS IN CITY COURTS.] No action, either of a civil or quasi criminal nature, shall be brought in any city court against any defendant who does not reside or is not found or served with process in the city in which such court is established, unless such defendant is a non-resident of this State, or has gone out of this State or on due inquiry cannot be found or is concealed within this State so that process cannot be served upon him, or is a person whose name is unknown to the plaintiff, and the action is one in which notice by publication is allowed by this Act.

Sixteenth—CRIMINAL ACTION.] Every criminal action shall be brought in the county in which the offense for which the same is brought has been committed.

125 *Seventeenth*—ACTION TO CONTEST WILL.] Every action to contest a last will
 126 and testament shall be brought in the county in which the will sought to be con-
 127 tested has been admitted to probate.

128 *Eighteenth*—CONTEMPT.] Every action of contempt shall be brought in the
 129 county in which the court as to which the contempt for which the action is
 130 brought has been committed is held.

131 *Nineteenth*—CERTIORARI.] Every action of certiorari shall be brought in the
 132 county in which the proceeding sought to be questioned in such action has been
 133 had.

134 *Twentieth*—BASTARDY.] An action of bastardy may be brought in any
 135 county in which the plaintiff may be pregnant or may be delivered.

136 *Twenty-first*—RECOGNIZANCE.] An action on a recognizance shall be brought
 137 in the county in which is held the court to which the same is returned or the
 138 county in which the recognizance is entered into.

139 *Twenty-second*—OTHER ACTIONS AND PROCEEDINGS.] Every action or proceed-
 140 ing not included in the preceding clauses of this section, when no other provi-
 141 sion is made therefor by this Act, shall be brought in the county provided for
 142 the bringing of the same by the laws in force at the time of the taking effect
 143 of this Act.

Sec. 175. ACTION BROUGHT IN WRONG PLACE TO BE TRANSFERRED TO RIGHT
 2 COURT.] Whenever any defendant shall object that any action has been brought
 3 in a court in which such defendant is not subject to be sued, or whose process
 4 of summons has been served upon him within a city, county or district in which
 5 it could not properly be served, the court shall not on that account dismiss the
 6 action, but shall enter an order transferring the action to some court in which
 7 the defendant could lawfully have been sued or whose process of summons
 8 could have been properly served upon him, and the court to which such trans-
 9 fer is made shall determine said action in the same manner as if it has been
 10 originally commenced at the time it was so commenced in the court from which

11 the transfer was made. In any such case, however, the court, before ordering
 12 such transfer, shall require the plaintiff to pay to the defendant such sum by
 13 way of costs, attorney's fees and other expenses, the amount thereof to be as-
 14 certained by the court, as may have been incurred by him because of the com-
 16 mencement of such action in such court.

DIVISION XIV.

MODE OF COMMENCING ACTIONS IN COURTS OF RECORD.

SECTION

- 176. Actions at law for recovery of money
—how commenced—exceptions.
- 177. Præcipe—what to specify.
- 178. When creditor may have attachment.
- 179. Action of attachment—how com-
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—garnishees—form of bond.
- 180. Attachment in aid—how obtained.
- 181. Attachment of water craft—how
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- 182. When landlord may distrain for rent
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SECTION

- 183. Action where special bail is required.
- 184. When replevin will lie.
- 185. Replevin—how commenced—affidavit
—form of bond.
- 186. Trial of right of property—when
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- 187. When forcible detainer may be
brought.
- 188. Forcible detainer—how commenced.
- 189. Other actions, matters and proceedings
—how commenced.

Sec. 176. ACTIONS AT LAW FOR RECOVERY OF MONEY—HOW COMMENCED—

2 EXCEPTIONS.] Every action at law for the recovery of money only brought in
 3 a court of record, excepting an action of attachment, an action of attachment
 4 of water craft, an action of distress for rent, an action where special bail
 5 may be required, an action on a recognizance, an action of bastardy, or a quasi
 6 criminal action commenced by warrant as hereinafter provided, shall be com-
 7 menced by the filing by the plaintiff with the clerk of the proper court of a
 8 præcipe for a summons framed as provided in the succeeding section, and a
 9 statement of the plaintiff's claim framed as provided in sections two hundred
 10 fifty-one (251) and two hundred fifty-two (252) of this Act.

Sec. 177. PRAECIPE—WHAT TO SPECIFY.] The praecipe required in the preceding and subsequent sections shall specify the court in which the action is commenced, the names of the parties thereto, the classification and number of the action and the day on which the summons or writ is to require the defendant to appear, which day shall be some Monday not less than five (5) nor more than thirty (30) days from the filing of the praecipe: *Provided, however*, that the court may, in any action of mandamus, or action of quo warranto, or any action involving public interests, by special order endorsed by the presiding judge upon the petition or praecipe, provide for an earlier date for the appearance of the defendant. Such praecipe shall be signed by the plaintiff or his attorney and shall specify the post office address and place of business of the plaintiff, if the action be brought by the plaintiff in his own proper person, or the place of business of his attorney, if the action be brought by attorney, and in default of such specification the clerk shall refuse to file the same: *Provided, however*, that when there are more than three plaintiffs in any such action, and the same is brought by the plaintiffs in their own proper persons, it shall be unnecessary to specify the post office addresses and places of business of more than three of said plaintiffs. If it be an attachment action, it shall also give the names of the garnishees, if any, to be summoned and shall direct the issuance of summonses for such garnishees. Whenever, after the commencement of the action and before the final determination thereof, the post office address or place of business of the plaintiff, if the action be brought by the plaintiff in his own proper person, or the place of business of his attorney, if the action be brought by attorney, shall be changed, notice in writing thereof shall be given forthwith by the plaintiff to the defendant or his attorney, if the defendant shall have entered his appearance. The praecipes and statements of claims provided for in the preceding section may be in substantially the forms prescribed in section two hundred fifty-two (252) of this Act.

Sec. 178. WHEN CREDITOR MAY HAVE ATTACHMENT.] A creditor may have

2 an attachment against the property of his debtor, or that of any one or more
3 of several debtors, to compel the payment of the indebtedness, in any one of the
4 following cases:

5 *First*—NON-RESIDENT DEBTOR.] Where the debtor is not a resident of this
6 State.

7 *Second*—DEBTOR CONCEALING HIMSELF, ETC.] Where the debtor conceals him-
8 self or stands in defiance of an officer so that process cannot be served
9 upon him.

10 *Third*—DEBTOR DEPARTED FROM STATE, ETC.] Where the debtor has departed
11 from this State with the intention of having his effects removed from this State.

12 *Fourth*—DEBTOR ABOUT TO DEPART FROM STATE, ETC.] Where the debtor is
13 about to depart from this State with the intention of having his effects re-
14 moved from this State.

15 *Fifth*—DEBTOR ABOUT TO REMOVE PROPERTY, ETC.] Where the debtor is about
16 to remove his property from this State to the injury of such creditor.

17 *Sixth*—FRAUDULENT CONVEYANCE, ETC.] Where the debtor has, within two
18 years preceding the filing of the affidavit required, fraudulently conveyed or
19 assigned his effects, or a part thereof, so as to hinder or delay his creditors.

20 *Seventh*—INTENTION OF DEBTOR TO FRAUDULENTLY CONVEY, ETC.] Where the
21 debtor is about fraudulently to conceal, assign or otherwise dispose of his prop-
22 erty or effects, so as to hinder or delay his creditors.

23 *Eighth*—DEBT FRAUDULENTLY CONTRACTED.] Where the debt sued for was
24 fraudulently contracted on the part of the debtor: *Provided*, that the state-
25 ments of the debtor, his agent or attorney, which constitutes the fraud shall
26 have been reduced to writing and his signature attached thereto by himself, agent
27 or attorney.

Sec. 179. ACTION OF ATTACHMENT—HOW COMMENCED—PRAECIPE—AFFIDAVIT—

2 BOND—GARNISHEES—FORM OF BOND.] Every action of attachment shall be com-

3 menced by the filing by the plaintiff with the clerk of the proper court of a
 4 praecipe for a writ of attachment and an affidavit of the plaintiff, his agent
 5 or attorney, setting forth the nature and amount of the indebtedness of the de-
 6 fendant to the plaintiff, after allowing all just credits and set-offs, and one or
 7 more of the causes which in law entitle the plaintiff to an attachment, and also
 8 stating the place of residence of the defendant, if known, and if not known, that
 9 upon diligent inquiry the party making the affidavit has not been able to ascer-
 10 tain the same, and also by filing with such clerk a bond with sufficient security
 11 to be approved by the clerk, payable to the People of the State of Illinois, in
 12 double the sum sworn to be due, conditioned that he will prosecute his action
 13 with effect and satisfy all costs which may be awarded to the defendant or to
 14 any other person interested in said proceedings and all damages and costs
 15 which shall be recovered against the plaintiff for wrongfully suing out such
 16 attachment, or which may be incurred by the sheriff or other officer in the exe-
 17 cution thereof: *Provided, however,* that when the plaintiff shall elect that no
 18 personal property shall be seized by the officer under the writ and the same is to
 19 be executed by a levy or levies upon real estate, or by the summoning of a gar-
 20 nishee or garnishees, or by both, the penalty of such bond shall not exceed one
 21 thousand dollars (\$1,000). If the garnishees are to be summoned their names
 22 shall be given in the praecipe and the plaintiff shall also file with his praecipe
 23 the interrogatories to be answered by such garnishees. It shall be sufficient in
 24 all cases of attachment to designate defendants by their reputed names by sur-
 25 names and joint defendants by their special or partnership names or by the
 26 names, styles or title by which they are usually known. Such bond may be in
 27 substantially the following form:

28 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

29	John Doe	} Attachment. No. 25.
30	vs.	
31	Richard Roe.	

ATTACHMENT BOND.

32

33 KNOW ALL MEN BY THESE PRESENTS, That we, JOHN DOE, as principal, and
 34 WILLIAM DOE, as surety, are held and firmly bound unto the People of the
 35 State of Illinois in the penal sum of two thousand dollars (\$2,000), for the
 36 payment of which well and truly to be made we bind ourselves, our heirs, exe-
 37 cutors, administrators and assigns, jointly and severally, firmly by these
 38 presents.

39 WITNESS our hands and seals this 10th day of February, 1908.

40 The Condition of this obligation is such that whereas the above bounden
 41 John Doe hath, on the day of the date hereof, prayed an attachment out of
 42 the circuit court of Cook county, Illinois, at the suit of him, the said John Doe,
 43 against the estate of one Richard Roe for the sum of one thousand dollars
 44 (\$1,000), and the same is about to be sued out of said court returnable on
 44½Monday, the 17th day of February, 1908.

45 Now, if the said John Doe shall prosecute his action with effect and satisfy
 46 all costs which may be awarded to the defendant in said action, or to any
 47 other person interested in said proceeding, and all damages and costs which
 48 shall be recovered against the plaintiff for wrongfully suing out such attach-
 49 ment, or which may be incurred by the sheriff or other officer in the execution
 50 thereof, then the above obligation is to be void; otherwise the same is to be
 51 and remain in full force and effect.

52 Approved February 10, 1908.

JOHN DOE. (Seal.)

53 JOHN SMITH, Clerk.

WILLIAM DOE. (Seal.)

54 The praecipe, affidavit and interrogatories in this section provided for may
 55 be in substantially the form prescribed in section two hundred fifty-two (252)
 56 of this Act.

Sec. 180. ATTACHMENT IN AID—HOW OBTAINED.] The plaintiff in any ac-

2 tion at law on a contract, express or implied, or in any action for a tort, may,
 3 at any time after the commencement of such action and before the entry of
 4 final judgment therein, on filing in the office of the clerk of the court in which
 5 such action is pending a sufficient bond, conditioned as the bond provided for
 6 in the preceding section, and an affidavit showing his right to an attachment

7 under this Act, sue out an attachment against the property of the defendant,
 8 which attachment shall be entitled in the action pending and be in aid there-
 9 of; and such proceedings shall be thereupon had as are required or permitted
 10 in cases of actions of attachment, as near as may be: *Provided*, that this
 11 section shall not apply to actions in which the defendant has been arrested and
 12 has given bail: *And, provided, further*, that in an action at law for a tort, be-
 13 fore a writ of attachment shall be issued, the plaintiff, his agent or attorney,
 14 shall apply to a judge of a court of record or a master in chancery of the
 15 county in which the action is pending and be examined under oath by such
 16 judge or master concerning the cause of action; and thereupon such judge or
 17 master shall endorse upon the affidavit the amount of damages for which the
 18 writ shall issue and no greater amount shall be claimed. Every such attach-
 19 ment in aid shall require the defendant to appear and answer the same on some
 20 Monday within not less than five (5) nor more than thirty (30) days from the
 21 date thereof, and shall be served in the same manner as is required in this Act
 22 for the service of an original writ of attachment: *Provided, however*, that
 23 when any defendant is not a resident of this State, or has departed this State,
 24 or on due inquiry cannot be found, or is concealed within this State so that
 25 process cannot be served upon him, he shall be notified by publication of notice
 26 as is by this Act required.

Sec. 181. ACTION OF ATTACHMENT OF WATER CRAFT—HOW PROSECUTED—FORM
 2 OF BOND.] An action of attachment of water craft may be brought to enforce
 3 the liens specified in the Act entitled, “An Act to revise the law in relation
 4 to attachments of boats, vessels and rafts,” approved March 25, 1874, and in
 5 force July 1, 1874. Every such action shall be commenced by the filing by the
 6 plaintiff with the clerk of the proper court of a praecipe for a writ of attach-
 7 ment of water craft and an affidavit of himself, his agent or attorney, setting

8 forth the nature of his claim, the amount due the plaintiff after allowing all
 9 payments and just set-offs, the name of the water craft, and the name and
 10 residence of each owner known to the plaintiff. and when any owner or his
 11 place of residence is not known to the plaintiff he shall so state and that he
 12 has made inquiry and is unable to ascertain the same, and also by the filing
 13 by the plaintiff with such clerk of a bond payable to the People of the State of
 14 Illinois, in at least double the amount of the claim, with security to be
 15 approved by the clerk, conditioned that the plaintiff shall prosecute his action
 16 with effect, or, in case of failure therein, will pay all costs and damages which
 17 the owner or other persons interested in such water craft may sustain in con-
 18 sequence of the wrongful suing out of such attachment, which bond may be
 19 sued by any owner or person interested in the same manner as if it had been
 20 given to such person directly. Such bond may be in substantially the follow-
 21 ing form:

22 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23	John Doe	}	Attachment of Water Craft. No. 27.
24	v.		
25	Owners of Steamship Manitou.		

26 ATTACHMENT OF WATER CRAFT BOND.

27 KNOW ALL MEN BY THESE PRESENTS, That we, JOHN DOE, as principal, and
 28 WILLIAM DOE, as surety, are held and firmly bound unto the People of the
 29 State of Illinois in the penal sum of two thousand dollars (\$2,000), for the
 30 payment of which well and truly to be made we bind ourselves, our heirs, exe-
 31 cutors, administrators and assigns, jointly and severally, firmly by these
 32 presents.

33 WITNESS our hands and seals this 10th day of February, 1908.

34 The Condition of this obligation is such that whereas the above bounden
 35 John Doe hath, on the day of the date hereof, prayed an attachment out of the
 36 circuit court of Cook county, Illinois, at the suit of him, the said John Doe,
 37 against the owners of a water craft known as the Steamship Manitou for the
 38 sum of one thousand dollars (\$1,000), and the same is about to be sued out of
 39 said court returnable on the 17th day of February, 1908:

40 Now, if the said John Doe shall prosecute his action with effect, or, in
 41 case of failure therein, will pay all costs and damages which the owner or other
 42 persons interested in such water craft may sustain in consequence of the
 43 wrongful suing out of such attachment, then the above obligation is to be void;
 44 otherwise the same is to be and remain in full force and effect.

45 Approved February 10, 1908.

JOHN DOE. (Seal.)

46 JOHN SMITH, *Clerk*.

WILLIAM DOE. (Seal.)

47 The praecipe and affidavit in this section provided for may be in substan-
 48 tially the form prescribed in section two hundred fifty-two (252) of this Act.

Sec. 182. WHEN LANDLORD MAY DISTRAIN FOR RENT—HOW ACTION COMMENCED.]

2 A landlord, by himself, his agent or attorney, may distrain for rent any per-
 3 sonal property of his tenant that may be found in the county where such
 4 tenant resides, or, in case the tenant is a non-resident of this State, or has
 5 departed from this State, in any county in which any property of the defend-
 6 ant may be levied upon under the distress warrant. Every action of distress
 7 for rent shall be commenced by the filing by the plaintiff with the clerk of
 8 the proper court of a praecipe for a summons together with a copy of the dis-
 9 tress warrant and an inventory of the property levied upon. The praecipe,
 10 copy of the distress warrant and inventory in this section provided for may be
 11 in substantially the form prescribed in section two hundred fifty-two (252) of
 12 this Act.

Sec. 183. ACTION WHERE SPECIAL BAIL IS REQUIRED.] Every action at law

2 where special bail may be required shall be commenced by the filing by the
 3 plaintiff with the clerk of the proper court of a praecipe for a *capias*
 4 *ad respondendum*, a statement of the plaintiff's claim and an affidavit in com-
 5 pliance with the Act entitled, "An Act concerning bail in civil cases," approved
 6 January 1, 1872, in force July 1, 1872, with an order of a judge or master
 7 endorsed on such affidavit in compliance with said Act.

Sec. 184. WHEN REPLEVIN WILL LIE.] An action of replevin may be brought
 2 for the recovery of goods or chattels which have been wrongfully distrained
 3 or otherwise wrongfully taken or shall be wrongfully detained, excepting where
 4 such property has been taken for a tax, assessment or fine levied by virtue of
 5 any law of this State or has been seized under an execution or attachment, or
 6 is held by virtue of a writ of replevin, against the plaintiff in the action or by
 7 virtue of any other writ of replevin issued in an action then pending and unde-
 8 terminated in any court of record of this State.

Sec. 185. REPLEVIN—HOW COMMENCED—AFFIDAVIT—FORM OF BOND.] Every
 2 action of replevin shall be commenced by the filing by the plaintiff with the
 3 clerk of the proper court of a praecipe for a writ of replevin and an affidavit
 4 showing that the plaintiff in such action is the owner of the property to be de-
 5 scribed in the writ or about to be replevined, or that he is then lawfully entitled
 6 to the possession thereof, and that the property is wrongfully detained by the
 7 defendant and that the same has not been taken for any tax, assessment or
 8 fine levied by virtue of any law of this State against the property of such plain-
 9 tiff or against him individually nor seized under any execution against the
 10 goods and chattels of such plaintiff, nor held by virtue of any writ of replevin
 11 against the plaintiff in the action, or by virtue of any other writ of replevin
 12 issued in an action then pending and undetermined in any court of record of
 13 this State, and stating the value of such property, and that it does not exceed
 14 the amount so stated, and also by the filing with the clerk of a bond of the
 15 plaintiff, or some one else in his behalf, with sufficient security to be approved
 16 by the clerk, payable to the People of the State of Illinois in double the value
 17 of the property about to be replevined, conditioned that he will prosecute such
 18 action with effect and without delay and make return of the property, if return of
 19 the property shall be awarded, and further conditioned for the payment of all
 20 costs and damages occasioned by the wrongful suing out of such writ of re-

21 plevin, whether to the defendant or to any other person, and all costs and dam-
22 ages which may be incurred by the sheriff or other officer in the execution of
23 the writ. Such bond may be in substantially the following form:

24 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

25 John Doe }
26 v. } Replevin. No. 30.
27 Richard Roe.

28 REPLEVIN BOND.

29 KNOW ALL MEN BY THESE PRESENTS, That we, JOHN DOE, as principal,, and
30 WILLIAM DOE, as surety, are held and firmly bound unto the People of the State
31 of Illinois, in the penal sum of five hundred dollars (\$500), for the payment
32 of which well and truly to be made we bind ourselves, our heirs, executors, ad-
33 ministrators and assigns, jointly and severally. firmly by these presents.

34 WITNESS our hands and seals this 10th day of February, 1908.

35 The condition of this obligation is such that whereas the above bounden
36 John Doe hath, on the day of the date hereof, prayed a writ of replevin out
37 of the circuit court of Cook county, Illinois, against one Richard Roe to re-
38 cover the following described personal property, to-wit: (here describe per-
39 sonal property), and the same is about to be sued out of said court returnable
40 on Monday, the 17th day of February, 1908:

41 Now, if the said John Doe shall prosecute his action with effect and with-
42 out delay and make return of the said property, if return thereof shall be
43 awarded, and shall pay all costs and damages occasioned by the wrongful suing
44 out of such writ of replevin, whether to the said defendant Richard Roe or
45 to any other person, and all costs and damages which may be incurred by
46 the sheriff of Cook county or any other officer in the execution of said writ of
47 replevin, then the above obligation is to be void; otherwise the same is to be
48 and remain in full force and effect.

49 Approved February 10, 1908. JOHN DOE. (Seal.)
50 JOHN SMITH, Clerk. RICHARD ROE. (Seal.)

51 The praecipe and affidavit in this section provided for may be in substan-
52 tially the form prescribed in section two hundred forty-eight (248) of this Act.

Sec. 186. TRIAL OF RIGHT OF PROPERTY WHEN BROUGHT—HOW COMMENCED.]

2 An action for the trial of the right of property may be instituted in every case

3 in which an execution or writ of attachment issued out of any court of record
 4 or by any justice of the peace, is levied by any sheriff, coroner or other offi
 5 cer upon personal property within the county in which such action is proposed
 6 to be instituted, and in every case in which property has been taken for any
 7 tax, assessment or fine levied by virtue of any law of this State, or is held by
 8 virtue of any writ of replevin issued in any then pending action brought
 9 against any other person than the plaintiff in such action. Every such action
 10 shall be commenced by the claimant, as plaintiff, against such sheriff, coroner
 11 or other officer and the plaintiff in the execution or writ of attachment, or
 12 against the officer by whom the property has been seized for any tax, assess-
 13 ment or fine levied by virtue of any law of this State, or against the parties to
 14 the writ of replevin under which such property is held, as defendants, by
 15 the filing by the claimant, in the proper court, of a praecipe for a summons to
 16 the defendants named in such praecipe together with a statement of the plain-
 17 tiff's claim. The praecipe and statement of claim in this section provided for
 18 may be in substantially the form prescribed in section two hundred fifty-two
 19 (252) of this Act.

Sec. 187. WHEN FORCIBLE DETAINER MAY BE BROUGHT.] The person entitled
 2 to the possession of lands and tenements may recover possession thereof by
 3 an action of forcible detainer in the following cases:

4 *First*—FORCIBLE ENTRY.] When a forcible entry is made thereon.

5 *Second*—POSSESSION UNLAWFULLY WITHHELD.] When a peaceable entry is
 6 made and the possession unlawfully withheld.

7 *Third*—ENTRY UPON VACANT OR UNOCCUPIED LAND.] When the entry is made
 8 into vacant or unoccupied lands or tenements without right or title.

9 *Fourth*—POSSESSION WITHHELD AT TERMINATION OF LEASE.] When any les-
 10 see of the lands or tenements or any person holding under him holds possession
 11 without right after the determination of the lease or tenancy by its own lim-
 12 itation, conditions or terms, or by notice to quit or otherwise.

13 *Fifth*—VENDEE WRONGFULLY WITHHOLDING POSSESSION.] When a vendee, hav-
 14 ing obtained possession under a written or verbal agreement to purchase lands
 15 or tenements and having failed to comply with his agreement, withholds pos-
 16 session thereof after demand in writing by the person entitled to such
 17 possession.

18 *Sixth*—REFUSAL TO SURRENDER POSSESSION AFTER CONVEYANCE OR JUDICIAL
 19 SALE, ETC.] When lands or tenements have been conveyed by any grantor in
 20 possession, or sold under the judgment or decree of any court of this State, or
 21 by virtue of any power of sale in any mortgage or deed of trust contained
 22 and the grantor in possession or party to such judgment or decree, or to such
 23 mortgage or deed of trust, after the expiration of the time of redemption,
 24 when redemption is allowed by law, refuses or neglects to surrender possession
 25 thereof after demand in writing by the person entitled thereto or his agent.

Sec. 188. FORCIBLE DETAINER—HOW COMMENCED.] Every action of forcible
 2 detainer shall be commenced by the filing by the plaintiff with the clerk of the
 3 proper court of a praecipe for a summons and a statement of the plaintiff's
 4 claim, describing, with reasonable certainty, the premises of which possession
 5 is claimed. The plaintiff may also, in such action, join with his claim for pos-
 6 session of the premises a claim for rent, or for damages for the withholding
 7 of such possession, in which case the plaintiff's statement of claim shall specify
 8 the amount of rent or damages claimed. The praecipe and statement of claim
 9 in this section provided for may be substantially in the form prescribed in sec-
 10 tion two hundred fifty-two (252) of this Act.

Sec. 189. OTHER ACTIONS, MATTERS AND PROCEEDINGS—HOW COMMENCED.]
 2 Ejectment, mandamus, quo warranto, habeas corpus, eminent domain, equity,
 3 certiorari, recognizance, bastardy, contempt, criminal and quasi criminal
 4 actions and supplementary proceedings, probate matters, tax, special assess-
 5 ment, peace, examination, search warrant and insanity proceedings, may be

6 commenced in the manner provided in the divisions of this Act especially deal-
 7 ing with said actions, matters and proceedings respectively. Every action or
 8 proceeding not included within those specified in the preceding sections of this
 9 division, unless other provision is made therefor by this Act, shall be com-
 10 menced as may be provided by the laws in force applicable thereto at the time
 11 of the taking effect of this Act, or in such manner as may be provided by
 12 the rules prescribed by the court in which the same is brought or by the su-
 13 preme court.

DIVISION XV.

ISSUANCE AND SERVICE OF PROCESS FOR APPEARANCE.

SECTION.

- 190. Summons—when issued—form.
- 191. Writ of attachment—when issued—form.
- 192. Counterparts of writ—when issued to another county—alias writ.
- 193. When attachment may issue against portion of defendants.
- 194. Garnishee summons—form.
- 195. Attachment of water craft—when writ issued—form.
- 196. Capias ad respondendum—form.
- 197. Writ of replevin—when issued—form.
- 198. Counterparts of writ of replevin.
- 199. Alias writs of replevin.
- 200. Quasi criminal action commenced by warrant.
- 201. Writ of ne exeat—when issued.
- 202. Bastardy warrant—when issued.
- 203. How summons or writ served—exceptions.
- 204. Garnishee summons—how served.
- 205. Service of copies when defendants are numerous or non-resident.

SECTION

- 206. Who may serve summons or writ—proof of service—officer's return—affidavit of service.
- 207. Acceptance of service.
- 208. Officer or process server to be admitted to building other than dwelling house—penalty for refusal to admit.
- 209. Procedure when officer or process server refused admission to dwelling house.
- 210. Penalty for evading or obstructing service of summons, etc.
- 211. Penalty for falsely pretending possession, etc., for service.
- 212. Penalty for false return or affidavit of service.
- 213. Person guilty of misconduct to be prohibited from serving process.
- 214. Attachment writ—how executed upon property—certificate of levy.
- 215. Pursuit of defendant removing property.
- 216. Debtor absconding, etc.—service of attachment on Sunday.
- 217. Forthcoming bond—form.
- 218. Bond to pay judgment—form.

SECTION

- 219. Recognizance to pay judgment.
- 220. Failure of sheriff to return bond, etc.
- 221. Exception by plaintiff to bond.
- 222. When plaintiff may sue on bond.
- 223. Sustenance of live stock—compensation.
- 224. Disposition of perishable property.
- 225. Shares of stock—how levied on—subsequent assignment.
- 226. Writ of replevin—how executed.
- 227. Property not delivered—citation—order for delivery—forms.
- 228. Duty of defendant to deliver property—contempt of court—power of court.

SECTION

- 229. Retention of property by defendant—forthcoming bond.
- 230. Return of property to defendant pending action—forthcoming bond.
- 231. Duty of officer to serve summons or writ—penalty.
- 232. Alias and pluries summonses and writs.
- 233. Service of summons or writ without the State.
- 234. Capias ad respondendum—how served.
- 235. Service of quasi criminal warrant.
- 236. Service of habeas corpus, ne exeat or bastardy warrant.

Sec. 190. SUMMONS—WHEN ISSUED—FORM.] Upon the filing in any ac-

tion at law for the recovery of money only, other than an attachment action, an action where special bail may be required, an action on a recognizance or an action of bastardy, or in any action for the trial of the right of property, action of forcible detainer, action of ejectment, action of quo warranto, action to revive a judgment, or action of eminent domain, of the praecipe and statement of claim, copy of distress warrant and inventory, or information, as the case may be, or upon the filing in an action in equity, other than a ne exeat, of the bill of complaint, or upon the filing in an action of mandamus of the plaintiff's petition, the clerk of the court shall issue and deliver to the plaintiff a summons to the defendant commanding him to appear in person or by attorney at the place of holding such court on the day specified in the praecipe, or otherwise specified by the plaintiff, to answer to the action brought against him by the plaintiff. Such summons, as well as every summons or writ hereinafter provided for, shall specify the court in which the action is pending, and the title, number and classification thereof, and shall be prepared for the signature of the clerk by the plaintiff or his attorney, and shall be issued under the seal of the court, tested in the name of the clerk thereof, dated on the day it shall be issued and signed

26

27	John Doe	}
28	v.	
29	Richard Roe.	

30

31

32 You are hereby commanded to appear in person or by attorney before the
33 circuit court of Cook county, Illinois at the county court-house in Chicago in
34 said county, on Monday, the 17th day of February, 1908, to answer to the above
35 entitled action at law for the recovery of the sum of one thousand dollars
36 (\$1,000) brought against you in said court by John Doe.

Witness John Smith, clerk of said circuit court, and the seal thereof, at
Chicago, Illinois, this 10th day of February, 1908.

39 JOHN SMITH, *Clerk.*

40 The foregoing form may be made applicable to other forms of action by
41 substituting for the words “at law for the recovery of the sum of one thousand
42 dollars (\$1,000)” the following:

43 *First*—TRIAL OF RIGHT OF PROPERTY.] In an action for the trial of the right
44 of property, the words “for the trial of the right of property.”

45 *Second*—FORCIBLE DETAINER.] In an action of forcible detainer, the words
46 “of forcible detainer.”

47] *Third*—EJECTMENT.] In an action of ejectment, the words “of ejectment.”

48 *Fourth*—MANDAMUS.] In an action of mandamus, the words “of man-
49 damus.”

50 *Fifth*—QUO WARRANTO.] In an action of quo warranto, the words “of quo
51 warranto.”

52 *Sixth*—REVIVAL OF JUDGMENT.] In an action to revive a judgment, the
53 words “to revive a judgment.”

54 *Seventh*—EMINENT DOMAIN.] In an action of eminent domain, the words
55 “of eminent domain.”

56 *Eighth*—EQUITY.] In an action in equity, the words “in equity.”

57 *Ninth*—DISTRESS FOR RENT.] In an action of distress for rent, the words “of
58 distress for rent.”

Sec. 191. WRIT OF ATTACHMENT—WHEN ISSUED—FORM.] Upon the filing in
2 an action of attachment of the praecipe for a writ of attachment and affidavit of
3 the plaintiff, his agent or attorney, and the bond hereinbefore specified, the clerk
4 of the court in which the action is commenced shall issue and deliver to the
5 plaintiff a writ of attachment directed to the sheriff of the county in which the
6 action is commenced, or, in case the sheriff is interested or otherwise disqualified
7 or prevented from acting, to the coroner of such county, which writ may be in
8 substantially the following form:

9 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

10	John Doe	} Attachment. No. 27.
11	v.	
12	Richard Roe.	

13 WRIT OF ATTACHMENT.

14 The People of the State of Illinois—GREETING to the Sheriff of Cook county:
15 We hereby command you that you attach so much of the property of Rich-
16 ard Roe, to be found in your county, as shall be of value sufficient to satisfy a
17 claim of one thousand dollars (\$1,000) and costs being prosecuted against him
18 in our said circuit court by John Doe, and such estate so attached in your
19 hands to secure and so to provide that the same may be liable to further pro-
20 ceedings thereupon according to law; and that you summon the said Richard
21 Roe to appear in person or by attorney before said circuit court of Cook county,

22 at the county court house in Chicago, in said county, on the 17th day of Febru-
23 ary, 1908, to answer to the said action of attachment brought against him by
24 the said John Doe.

25 Witness John Smith, clerk of said circuit court, and the seal thereof, at
26 Chicago, Illinois, this 10th day of February, 1908.

27 JOHN SMITH, *Clerk.*

28 NOTE.

29 When personal property is not to be seized under the writ the above form
30 may be varied from by inserting between the words "so much of the prop-
31 erty" and the words "of Richard Roe" the words "other than personal
32 property."

Sec. 192. COUNTERPARTS OF WRIT—WHEN ISSUED TO ANOTHER COUNTY—ALIAS WRIT.] Counterparts of the writ of attachment may issue, at the request of the plaintiff, at the same time or at any time before judgment, to any other county in the State where the debtor may have property liable to be attached, which shall be levied as other attachment writs: *Provided*, that if no property, rights or credits of the debtor are found in the county in which the action is brought and no defendant is served with the writ of attachment or summons or enters an appearance, the plaintiff shall not be entitled to judgment. An alias writ of attachment may also issue when it appears by the return of the officer that no property has been seized or levied upon, or the defendant has not been served under the original writ.

Sec. 193. WHEN AN ATTACHMENT MAY ISSUE AGAINST PORTION OF DEFENDANTS.]

2 In all cases of attachment where two or more persons are jointly indebted, either

3 as partners or otherwise, and an affidavit shall be filed, as provided in this act.

4 so as to bring one or more of such joint debtors within its provisions and

5 amenable to the process of attachment, then the writ of attachment shall issue

6 against the property and effects of such as are so brought within the provisions

7 of said section; and the officer shall be also directed in said writ to summon all

8 joint debtors named in the affidavit filed in the case, whether the attachment is
 9 against them or not, to answer to the said action as in other cases of joint de-
 10 fendants.

Sec. 194. GARNISHEE SUMMONS—FORM.] The clerk shall issue as many
 2 garnishee summonses as the plaintiff may require. Such summons may be in
 3 substantially the following form:

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

5 John Doe
 6 v.
 7 Richard Roe. } Attachment. No. 27.

8 GARNISHEE SUMMONS.

9 The People of the State of Illinois—GREETING to Henry Jones:

10 You are hereby commanded to appear in person or by attorney before the
 11 circuit court of Cook county, Illinois, at the county court house in Chicago, in
 12 said county, on Monday, the 17th day of February, 1908, then and there to an-
 13 swer unto John Doe, in his action of attachment therein pending against Richard
 14 Roe, as to the rights, credits, choses in action, effects, estate, property or
 15 moneys in your hands belonging to the said Richard Roe.

16 Witness John Smith, clerk of said circuit court, and the seal thereof, at
 17 Chicago, Illinois, this 10th day of February, 1908.

18 JOHN SMITH, *Clerk.*

Sec. 195. ATTACHMENT OF WATER CRAFT—WHEN WRIT ISSUED—FORM.] Upon
 2 the filing in an action of attachment of water craft of the praecipe for a writ of
 3 attachment of water craft, and the affidavit of the plaintiff, his agent or at-
 4 torney, and the bond hereinbefore specified, the clerk shall issue and deliver
 5 to the plaintiff a writ of attachment of water craft directed to the sheriff of the
 6 county in which the action is commenced, or, in case the sheriff is interested, or
 7 otherwise disqualified or prevented from acting, to the coroner of such county,
 8 which writ may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Owners of Steamship Manitou

} Attachment. No. 28.

WRIT OF ATTACHMENT OF WATER CRAFT.

The People of the State of Illinois—GREETING to the Sheriff of Cook county:

We hereby command you to attach the Steamship Manitou, her tackle, apparel and furniture, to satisfy a claim of one thousand dollars (\$1,000) and costs, being prosecuted against the owners of said Steamship Manitou in our said circuit court by John Doe, and all such demands as shall be exhibited against said vessel according to law; and that you also summon (here insert the names of owners of such vessel) to be and appear in person or by attorney before said circuit court of Cook county, at the county court-house in Chicago, in said county, on the 17th day of February, 1908, to answer to the said action of attachment brought against the owners of said Steamship Manitou by the said John Doe.

Witness John Smith, clerk of said circuit court, and the seal thereof, at Chicago, Illinois, this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 196. CAPIAS AD RESPONDENDUM—FORM.] Upon the filing in any action

at law where special bail may be required of the praecipe for a capias ad respondendum, statement of the plaintiff's claim and affidavit, with an order of a judge or master in chancery endorsed thereon as required by law, the clerk of the court in which the action is commenced shall issue and deliver to the plaintiff a capias ad respondendum directed to the sheriff of the county in which the process is to be executed, or, in case he is interested or otherwise disqualified or prevented from acting, to the coroner of such county, to execute, for the arrest of the defendant, on which capias shall be endorsed an order directing the sheriff or coroner to whom such process is directed to hold the defendant to bail in the sum specified in the order of the judge or master in chancery. Such capias may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Contract. No. 30.

CAPIAS AD RESPONDENDUM.

The People of the State of Illinois—GREETING to the Sheriff of Cook county:

We hereby command you that you take the body of Richard Roe, if he shall be found in your county, and him safely keep so that he be and appear before the said circuit court of Cook county, at the county court-house in Chicago, in said county, on Monday, the 17th day of February, 1908. to answer to an action at law for the recovery of the sum of one thousand dollars (\$1,000) brought against him in said court by John Doe.

Witness John Smith, clerk of said circuit court, and the seal thereof, at Chicago, Illinois, this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 197. WRIT OF REPLEVIN—WHEN ISSUED—FORM.] Upon the filing in any action of replevin of the praecipe for a writ of replevin, the affidavit and the bond hereinbefore specified, the clerk of the court in which the action is commenced shall issue and deliver to the plaintiff a writ of replevin directed to the sheriff of the county in which the action is commenced, or, in case he is interested or otherwise disqualified or prevented from acting, to the coroner of such county, requiring such sheriff or coroner to whom it is directed to cause the property, describing it as in the affidavit, to be replevied from the possession of the defendant and to be delivered to the plaintiff and to summon the defendant to answer the plaintiff in the action. Such writ of replevin may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Replevin. No. 40.

WRIT OF REPLEVIN.

The People of the State of Illinois—GREETING to the Sheriff of Cook county:

We hereby command you that you cause the following goods and chattels

19 to be replevied from the possession of Richard Roe and delivered to John
20 Doe without delay, to wit:

21 (Here insert description of property to be replevied.)

22 We also command you that you summon Richard Roe to appear, in person
23 or by attorney, before said circuit court of Cook county, at the county court-
24 house in Chicago, in said county, on the 17th day of February, 1908, to answer
25 to the action of replevin brought therein against him by the said John Doe.

26 Witness John Smith, clerk of said circuit court, and the seal thereof, at
27 Chicago, Illinois, this 10th day of February, 1908.

28 JOHN SMITH, *Clerk.*

Sec. 198. COUNTERPARTS OF WRIT OF REPLEVIN.] Counterparts of the writ
2 of replevin may issue, upon the suggestion of the plaintiff, to several counties
3 to be executed upon the goods or served upon the defendants to be found therein:
4 *Provided, however,* that if none of the property sought to be replevied is found
5 in the county where the action is brought and neither of the defendants resides
6 or can be found or served with process therein, the plaintiff shall not be en-
7 titled to judgment except as to such defendants as appear and defend the ac-
8 tion.

Sec. 199. ALIAS WRITS OF REPLEVIN.] When it appears by the return of the
2 officer that the property or any portion thereof has not been taken or that any
3 defendant has not been found, alias writs of replevin directing the officer to take
4 such property or portion thereof or to summon the defendant or both, as the
5 case may be, may issue on the application of the plaintiff until such property is
6 taken or such defendant is served, or both, as the case may be.

Sec. 200. QUASI-CRIMINAL ACTION COMMENCED BY WARRANT.] Upon the filing
2 in a quasi criminal action to recover a fine or penalty for the violation of an
3 ordinance of a municipal corporation, of a complaint verified by affidavit, a
4 warrant for the arrest of, or a summons to, the defendants may be issued under
5 the conditions and in the manner provided in the division of this Act especially
6 dealing with said action.

Sec. 201. WRIT OF NE EXEAT—WHEN ISSUED.] Upon the filing in an action in equity for a ne exeat of the bill of complaint verified by the affidavit of the plaintiff, his agent or attorney, the court, if satisfied that the defendant ought to be arrested, may order the issuance of a writ of ne exeat and thereupon the clerk shall issue such writ of ne exeat and the same shall be executed as provided in the division of this Act especially dealing with said action.

Sec. 202. BASTARDY WARRANT—WHEN ISSUED.] Upon the filing in an action of bastardy of the complaint of the plaintiff verified by her affidavit, the court, if satisfied that the defendant ought to be arrested, may order the issuance of a warrant and thereupon the clerk shall issue such warrant and the same shall be executed as provided in the division of this Act especially dealing with said action.

Sec. 203. HOW SUMMONS OR WRIT SERVED—EXCEPTIONS.] Service of any summons or writ, other than a writ of habeas corpus, capias ad respondendum or other writ requiring the arrest of the person therein named, shall be made by delivering either a copy or one of the originals thereof, together with a copy of the plaintiff's praecipe and statement of claim, praecipe, distress warrant and inventory, petition, information, or bill of complaint in equity, praecipe, affidavit and bond in attachment, or praecipe, affidavit and bond in replevin, as the case may be, and of all other papers required by this act to be served thereupon the defendant, to the proper person and informing such person of the contents of such original or copy of the summons or writ, as follows:

First—WHEN DEFENDANT AN INDIVIDUAL SUI JURIS.] If the defendant be an individual, and not a minor or person of unsound mind, or person judicially declared to be a drunkard or spendthrift and for whom a guardian has been appointed, such delivery shall be made to such defendant, or, if the defendant cannot be conveniently found, it shall be made at his usual place of abode to some person of the family of the age of ten years or upwards.

17 *Second*—WHEN DEFENDANT A MINOR.] If the defendant be a minor such de-
 18 livery shall be made to him and a like delivery shall also be made to his father,
 19 mother, or guardian, or, if there be none within the State, then to any person
 20 having the care or control of such minor or with whom he shall reside or in whose
 21 service he shall be employed: *Provided, however*, that if such father, mother,
 22 guardian or other person be the plaintiff or one of the plaintiffs in the action,
 23 such summons or writ shall be served in such manner as the court may direct.

24 *Third*—WHEN DEFENDANT OF UNSOUND MIND, ETC., WITHOUT GUARDIAN.] If
 25 the defendant be a person of unsound mind for whom no guardian or conserv-
 26 ator has been appointed such service shall be made in such manner as the
 27 court may, by general rule or otherwise, direct.

28 *Fourth*—WHEN DEFENDANT OF UNSOUND MIND, ETC., WITH CONSERVATOR.] If
 29 the defendant be a person judicially declared to be of unsound mind, a drunk-
 30 ard or spendthrift, for whom a guardian or conservator has been appointed,
 31 such delivery shall be made to him, and a like delivery shall also be made to
 32 his guardian or conservator.

33 *Fifth*—INCORPORATED COMPANY.] If the defendant be an incorporated com-
 34 pany, other than a municipal corporation, such delivery shall be made to its
 35 president, vice president, secretary, treasurer or cashier, if either of them may
 36 be found within the county in which the action is brought, if such action is
 37 brought in a circuit or county court, or in the superior court of Cook county or
 28 in the criminal court of Cook county, or, if the action be brought in a city
 39 court, if either of them may be conveniently found within such city, but if
 40 neither of such officers can be conveniently found in such county or in such
 41 city, as the case may be, then such delivery may be made to any clerk, super-
 42 intendent, general agent, engineer, conductor, station agent or any other agent
 43 of such corporation who may be found in such county or in such city, as the
 44 case may be: *Provided, however*, that when any such corporation has an offi-
 45 cer or employee designated as general counsel, general attorney or local attor-

ney, such delivery may be made in any case, if the plaintiff so elect, to such general counsel, general attorney or local attorney or to any clerk in the office of such general counsel, general attorney or local attorney.

Sixth—COUNTY.] If the defendant be a county such delivery shall be made to the clerk or chairman of the county board, if the county to be served be under township organization, or to the clerk of the county court, if the county be not under township organization: *Provided, however,* that if such county have an officer or employee designated as county attorney such delivery may be made in any case, if the plaintiff so elect, to such county attorney or to any assistant or other person employed in the office of such county attorney.

Seventh—CITY.] If the defendant be a city such delivery shall be made to the corporation counsel or city attorney or to the mayor or clerk of such city, or to any assistant or other employee in the office of the corporation counsel or city attorney of such city.

Eighth—VILLAGE OR INCORPORATED TOWN.] If the defendant be a village or incorporated town such delivery shall be made to the president of the board of trustees or the clerk of such village or incorporated town.

Ninth—TOWN NOT INCORPORATED.] If the defendant be a town not incorporated, such delivery shall be made to the supervisor or clerk thereof.

Tenth—RECEIVER OF CORPORATION.] If the defendant be the receiver of an incorporated company, such delivery shall be made to such receiver, if he may be conveniently found in the county in which the action is brought, if the same is brought in a circuit or county court, or in the superior court of Cook county, or in the criminal court of Cook county, or, if the action is brought in a city court, if he may be conveniently found within such city, but if he shall not be conveniently found in such county, or in such city, as the case may be, then such delivery may be made to any attorney, clerk, secretary, superintendent, general agent, engineer, conductor, station agent or any agent in the employ of such receiver or receivers, who may be found in such county, or in such city, as the case may be.

76 *Eleventh*—TRUSTEE OPERATING RAILWAY.] If the defendant be a trustee oper-
 77 ating, managing or controlling a railway, such delivery shall be made to him, if
 78 he may be conveniently found within the county in which the action is brought,
 79 if the same is brought in a circuit or county court, or in the superior court
 80 of Cook county, or in the criminal court of Cook county, or, if the action be
 81 brought in a city court, if he may be conveniently found within such city, but
 82 if he shall not be conveniently found in such county, or in such city, as the case
 83 may be, then such delivery shall be made to any attorney, clerk, secretary,
 84 superintendent, general agent, engineer, conductor, station agent or any agent
 85 in the employ of such trustee who may be found in such county, or in such city,
 86 as the case may be.

87 *Twelfth*—RESIDENT CO-PARTNERSHIP.] If the defendant be a co-partnership
 88 sued in the firm name and one or more of the co-partners are residents of the
 89 State, such delivery may be made to any co-partner who is a resident of this
 90 State or to any number of such co-partners whom the plaintiff may elect to
 91 have served with the summons, or, at the principal place of business of the co-
 92 partnership to any person having, at the time of service, the control or man-
 93 agement of the co-partnership business there.

94 *Thirteenth*—NON-RESIDENT CO-PARTNERSHIP.] If the defendants be members
 95 of a co-partnership, all of whom are non-residents of this State, but having a
 96 place or places of co-partnership business, such delivery may be made to any
 97 agent of such co-partnership at any place of business of such co-partnership.
 98 but in any such case the judgment, if any be rendered against the defendants,
 99 shall only be valid as against the property of such co-partnership within this
 100 State.

101 *Fourteenth*—TRIAL OF RIGHT OF PROPERTY.] When an action for the trial of
 102 the right of property is brought to recover property levied upon by virtue of
 103 any execution or writ of attachment and the plaintiff or plaintiffs in the execu-
 104 tion or writ of attachment are non-residents of the county in which the action

105 is brought, service of the summons upon such plaintiff or plaintiffs may be
 106 made by delivering a copy thereof, together with a copy of the praecipe and
 107 statement of claim, to the sheriff or other officer by whom the execution or
 108 writ of attachment has been levied.

Sec. 204. GARNISHEE SUMMONS—HOW SERVED.] Service of a garnishee
 2 summons shall be made by the delivery of a copy thereof, together with a copy
 3 of the plaintiff's interrogatories, to the person to whom, by the provisions of
 4 this Act, delivery of a summons to a defendant may be made and informing
 5 such person of the contents of such summons.

Sec. 205. SERVICE OF COPIES WHEN DEFENDANTS ARE NUMEROUS OR NON-RESI-
 2 DENT.] When, in any action at law or action in equity, there are more than two
 3 defendants, the copies of the papers hereinbefore provided to be attached
 4 to the originals or copies of the summonses or writs shall not be
 5 attached to the originals or copies of the summonses or writs to be served
 6 upon more than the first two persons named as defendants; and when, in any
 7 action, any defendant or group of defendants not served with copies of such
 8 papers shall enter an appearance separate from the appearance of the parties
 9 who have received such copies, the plaintiff shall, upon notice in writing of such
 10 appearance, deliver to said defendant, or group of defendants, or to
 11 their respective attorneys, a copy of each of said papers. Each defendant or
 12 group of defendants in any action, whether at law or in equity, who have been
 13 notified by publication of notice only and who enter separate appearances, shall
 14 likewise receive from the plaintiff, upon notice in writing of such appearance,
 16 copies of each of the papers required by this Act to be delivered to defend-
 17 ants personally served with the summons or writ.

Sec. 206. WHO MAY SERVE SUMMONS OR WRIT—PROOF OF SERVICE—OFFICER'S
 2 RETURN—AFFIDAVIT OF SERVICE.] Any summons may be served by any sheriff,

3 deputy sheriff, coroner or deputy coroner of the county in which such service
4 is had, or by any bailiff or deputy bailiff of any court of record in such county,
5 or by any person over the age of eighteen years, not a party to the action; but
6 an attachment writ, replevin writ or *capias ad respondendum* or other writ
7 or warrant requiring the arrest of the defendant, must be served and executed
8 by a sheriff, deputy sheriff, coroner or deputy coroner or bailiff or deputy bailiff
9 of a court of record, or by some person specially authorized thereto by the
10 court by endorsement by the judge of the order therefor upon such writ. When
11 service or execution of any summons or writ is made by any sheriff, deputy
12 sheriff, coroner, deputy coroner, bailiff or deputy bailiff, proof of such service
13 may be made by the return of such officer endorsed upon such summons or writ
14 and signed by him. When service of any summons is made by any person other
15 than a sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff,
16 proof of such service shall be made by the affidavit of the person making such
17 service endorsed on such summons or attached thereto, which affidavit shall
18 state the name, place of residence, age and occupation of the person making such
19 service, and the date, place and manner of such service. When the plaintiff de-
20 livers any summons or writ for service to any sheriff, deputy sheriff, coroner,
21 deputy coroner, bailiff or deputy bailiff, the plaintiff shall at the same time
22 deliver to such officer the copies of the summons or writ, with copies of the
23 *praecipe* and statement of claim, *praecipe*, distress warrant and inventory, peti-
24 tion or information or bill of complaint in equity, *praecipe*, affidavit and bond
25 in attachment, or, *praecipe*, affidavit and bond in replevin, as the case may be,
26 and of all other papers required to be served upon the defendant or upon any
27 garnishee, attached thereto, to be delivered to the defendant or garnishee as
28 provided in the preceding section. The fees of any sheriff, deputy sheriff, coro-
29 ner, deputy coroner, bailiff or deputy bailiff for the service of any summons
30 or writ shall be such as may be provided, from time to time, by law and when-
31 ever any summons is served by any person other than a sheriff, deputy sheriff,

coroner, deputy coroner, bailiff or deputy bailiff, the party in whose behalf the summons is served shall be entitled to have taxed as costs in the action in his favor an amount equal to one-half of the fees allowed by law to any sheriff for such service. The return of any officer of the service of any summons or writ, or the affidavit of service, when the same is not by an officer, shall be made, when practicable, upon such summons or writ or shall be attached thereto. It shall be unnecessary to attach to the summons or writ thus returned copies of the papers served therewith, but it shall be sufficient that the return or affidavit specify that the copies of the papers, naming them, were served with such summons or writ. The following forms of returns and affidavits of service shall be deemed sufficient and shall be taken as suggestions from which other returns and affidavits of service may be properly framed:

1. OFFICER'S RETURN OF SERVICE OF WRIT OF REPLEVIN.

I hereby certify that I have duly served the within writ of replevin this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's praecipe, affidavit for replevin and replevin bond, to the above named defendant, Richard Roe, and informing said Richard Roe of the contents of such copy of the writ of replevin, and that I have further executed the same by replevying from the possession of the defendant, Richard Roe, the within described property, to-wit: one bay horse about six years old with white star in forehead and one roan horse about five years old, and delivering the same to the plaintiffs, John Doe and William Doe.

HENRY BROWN,
Sheriff of Cook County.

2. AFFIDAVIT OF SERVICE OF SUMMONS.

Henry Smith on his oath says that he resides at 1875 Washington Boulevard, Chicago, Illinois; that his age is twenty-five years and his occupation that of a clerk in the office of Jones & Brown, attorneys at law, 817 Marquette Building, Chicago, Illinois; and that he has duly served the within summons this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's praecipe and statement of claim, to Mary Roe at the usual

63 place of abode of the within named defendant, Richard Roe, the said Mary Roe
 64 being a person of the family of said Richard Roe and of the age of upwards
 65 of ten years, and informing said Mary Roe of the contents of such copy of the
 66 summons at Chicago, Illinois, service being made upon said Mary Roe because
 67 said Richard Roe could not be conveniently found. HENRY SMITH.

68 Subscribed and sworn to before me this 18th day of February, 1908.

69 JOHN SMITH, *Clerk*.

Sec. 207. ACCEPTANCE OF SERVICE.] In lieu of a return or affidavit of ser-
 2 vice of a summons it will be sufficient if there be indorsed upon the summons
 3 an acceptance of service thereof, signed by the person served, or by any attor-
 4 ney at law duly authorized by such person to represent him in the action. The
 5 following forms of acceptance of service provided for in this section shall be
 6 deemed sufficient and shall be taken as furnishing suggestions from which other
 7 acceptances of service may be properly framed:

8 1. DEFENDANT'S ACCEPTANCE OF SERVICE.

9 I, Richard Roe, defendant, hereby accept service of this writ this 18th day
 10 of February, 1908.

11 RICHARD ROE.

12 2. ATTORNEY'S ACCEPTANCE OF SERVICE.

13 I, Henry Smith, attorney at law, hereby accept service of the above writ
 14 for the defendant, Richard Roe, this 18th day of February, 1908.

15 HENRY SMITH.

Sec. 208. OFFICER OR PROCESS SERVER TO BE ADMITTED TO BUILDING OTHER THAN
 2 DWELLING HOUSE—PENALTY FOR REFUSAL TO ADMIT.] Any officer or other person
 3 authorized by this Act to serve or execute any summons, citation or other
 4 writ, and having in his possession any such summons, citation or writ, shall be
 5 entitled, for the purpose of serving the same, to enter any building or room in
 6 which he may have reason to believe the person intended to be served may
 7 then be found, otherwise than a dwelling house, or room occupied as a dwelling
 8 place, at any time of any week day other than a holiday, between the hours of

9 nine o'clock A. M. and five o'clock P. M. and any person who, after being in-
 10 formed of the purpose of such officer or person and the exhibition to him of
 11 the summons, citation or other writ, or, when such exhibition is impracticable,
 12 by being informed by such officer or person, of his possession of such sum-
 13 mons, citation or other writ, and of his purpose to serve the same, shall pre-
 14 vent or attempt to prevent such officer or other person from entering such build-
 15 ing or room and serving such summons, citation or other writ, shall be deemed
 16 guilty of a criminal contempt of court and shall be punished therefor in the
 17 manner prescribed by this Act.

Sec. 209. PROCEDURE WHEN OFFICER OR OTHER PROCESS SERVER REFUSED ADMIS-
 2 SION TO DWELLING HOUSE.] When an officer or other person having in his pos-
 3 sion any summons, citation or other writ for the purpose of serving the same,
 4 shall be refused admission at any time between the hours of nine o'clock A.
 5 M. and five o'clock P. M. to any dwelling house or room occupied as a dwelling
 6 place, in which a person to be served with such summons, citation or other
 7 writ resides, after having made known, or attempted to make known, to the per-
 8 son or persons then within such dwelling house or room his purpose to serve
 9 such summons, citation or other writ, it shall be lawful for such officer or other
 10 person having such summons, citation or other writ to fasten, as securely as
 11 may be practicable, a copy of the summons, citation or other writ, together
 12 with such papers as may be attached to such copy, to the front door of such
 13 dwelling house or room, and thereupon such summons, citation or other writ
 14 shall be deemed as duly and properly served as if such copy or copies had been
 15 delivered to the defendant personally and such defendant had been duly in-
 16 formed of the contents of such copy of the summons, citation or other writ. The
 17 following shall be deemed sufficient forms of officer's return and of affidavit of
 18 proof of service under the provisions of this section and shall be taken as fur-
 19 nishing suggestions from which other forms of returns and affidavits of service
 20 may be properly framed:

1. OFFICER'S RETURN OF SERVICE.

I hereby certify that I have duly served the within summons this 18th day of February, 1908, by fastening as securely as was practicable a copy thereof, together with a copy of the plaintiff's praecipe and statement of claim, to the front door of the dwelling house known as 640 Lincoln Avenue, Chicago, Illinois, being the dwelling house in which the above named defendant, Richard Roe, resides, after having made known to a person then within such dwelling house my purpose to serve said summons upon said Richard Roe and having been refused admission to said dwelling house between the hours of 9 o'clock A. M. and 5 o'clock P. M. and about the hour of 11:30 o'clock A. M. of said day.

HENRY BROWN,
Sheriff of Cook County

2. AFFIDAVIT OF SERVICE.

Henry Smith, on his oath, says that he resides at 1875 Washington Boulevard, Chicago, Illinois; that his age is twenty-five years and his occupation that of a clerk in the office of Jones & Brown, attorneys at law, 817 Marquette building, Chicago, Illinois; and that he has duly served the within summons this 18th day of February, 1908, by fastening as securely as was practicable a copy thereof, together with a copy of the plaintiff's praecipe and statement of claim, to the front door of the dwelling house known as 640 Lincoln Avenue, Chicago, Illinois, being the dwelling house in which the above named defendant, Richard Roe, resides, after having made known to a person then within such dwelling house of his purpose to serve said summons upon said Richard Roe and having been refused admission to said dwelling house between the hours of 9 o'clock A. M. and five o'clock P. M. and about the hour of 11:30 o'clock A. M. of said day.

HENRY SMITH,

Subscribed and sworn to before me this 18th day of February, 1908.

JOHN SMITH,
Clerk.

Sec. 210. PENALTY FOR EVADING OR OBSTRUCTING SERVICE OF SUMMONS, ETC.]

Whoever, knowing, or having good reason to believe, that an officer or other person has in his possession, for the purpose of serving upon him, any summons, citation or other writ, shall wilfully evade or obstruct the service thereof shall

5 be deemed guilty of a criminal contempt of court and shall be punished therefor
6 in the manner prescribed by this Act.

Sec. 211. PENALTY FOR FALSELY PRETENDING POSSESSION OF SUMMONS, ETC.,
2 FOR SERVICE.] If any officer or other person shall falsely pretend to any other
3 person to have in his possession, for the purpose of serving the same, any sum-
4 mons, citation or other writ, when in fact the same is not in his possession or it
5 is not in his possession for the purpose of service, he shall be deemed guilty of a
6 criminal contempt of court and, upon conviction thereof, shall be punished
7 therefor in the manner prescribed by this Act.

Sec. 212. PENALTY FOR FALSE RETURN OR AFFIDAVIT OF SERVICE.] Any officer
2 or other person who shall knowingly and wilfully make a false return or affidavit
3 of the service of any summons, citation or other writ, issued in pursuance of
4 this Act shall be deemed guilty of a felony and, upon conviction thereof, shall
5 be confined in the penitentiary for a term of not less than one (1) year nor more
6 than five (5) years.

Sec. 213. PERSON GUILTY OF MISCONDUCT TO BE PROHIBITED FROM SERVING
2 PROCESS.] Upon proof to the satisfaction of any court of record in any county
3 that any person employed for the service of any summons, citation or other
4 writ, is not a person of good character, or that he has so misconducted himself
5 in respect to the service of any summons, citation or other writ, that he can
6 not be properly employed in the work of serving any process of the court, the
7 court may make an order disqualifying such person from such employment
8 and thereafter such person shall be disqualified from serving any summons, ci-
9 tation or other writ issuing out of any court of this State. But no such order
10 shall be made without notice to the person so disqualified and an opportunity
11 to be heard, and any order so made may, on the application of such person, be
12 reviewed by the supreme court by writ of error.

Sec. 214. ATTACHMENT WRIT--HOW EXECUTED UPON PROPERTY--CERTIFICATE

2 OF LEVY.] An attachment writ, in addition to being served upon the defendant
 3 in the manner hereinbefore provided, shall be executed upon the property of
 4 the defendant, or upon any property in and to which the defendant has or may
 5 claim any equitable interest or title of sufficient value to satisfy the plaintiff's
 6 claim with the costs of the action. When such writ is levied upon any real estate
 7 in any case it shall be the duty of the officer making the levy to file a certifi-
 8 cate of such fact with the recorder of the county where such land is situated;
 9 and from and after the filing of the same such levy shall take effect as to
 10 creditors and *bona fide* purchasers, without notice and not before. Such certifi-
 11 cate may be in substantially the following form:

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13 John Doe
 14 v. } Attachment. No. 28.
 15 Richard Roe.

16 CERTIFICATE OF LEVY.

17 I, Henry Brown, sheriff of Cook county, Illinois, do hereby certify that by
 18 virtue of a certain writ of attachment to me directed from the circuit court of
 19 Cook county, Illinois, in favor of John Doe, plaintiff, and against Richard
 20 Roe, defendant, dated the 10th day of February, 1908, I did, on this 11th day
 21 of February, 1908, levy on the right, title and interest of said defendant in and
 22 to the the following real estate, to-wit:

23 (Here insert description of real estate.)

24 HENRY BROWN, *Sheriff*,

25 By WILLIAM WHITE, *Deputy*.

Sec. 215. PURSUIT OF DEFENDANT REMOVING PROPERTY.] If the defendant

2 in a writ of attachment, or any person for him, shall be in the act of removing
 3 any personal property the officer may pursue and take the same in any county
 4 in this State and return the same to the county from which such attachment
 5 issued.

Sec. 216. DEBTOR ABSCONDING, ETC.—SERVICE OF ATTACHMENT ON SUNDAY.]

2 If it shall appear, by the affidavit, that a debtor is actually absconding, or is con-
3 cealed, or stands in defiance of an officer duly authorized to arrest him on civil
4 process, as aforesaid, or has departed this State with the intention of having
5 his effects and personal estate removed out of the State, or intends to depart
6 with such intention, it shall be lawful for the clerk of the court in which an
7 action of attachment is commenced to issue, and for the sheriff or other officer
8 to serve, an attachment against such debtor on a Sunday, or holiday, as on any
9 other day.

Sec. 217. FORTHCOMING BOND--FORM.] The officer serving a writ of attach-

2 ment shall take and retain the custody and possession of the property attached
3 to answer and abide the judgment of the court, unless the person in whose pos-
4 session the same is found shall enter into bond and security to the officer to
5 be approved by him, in double the value of the property so attached, con-
6 ditioned that the said estate and property shall be forthcoming to answer the
7 judgment of the court in said action. The sheriff, or other officer, shall return
8 said bond, on or before the date specified in the writ of attachment for the
9 appearance of the defendant, and shall likewise deliver a copy thereof to the
10 plaintiff in the attachment. The bond provided for in this section may be in
11 substantially the following form:

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13 John Doe
14 v. } Attachment. No. 28.
15 Richard Roe.

16 FORTHCOMING BOND.

17 KNOW ALL MEN BY THESE PRESENTS, That we, RICHARD ROE, as principal, and
18 HENRY ROE, as surety, are held and firmly bound unto the People of the State
19 of Illinois in the penal sum of two thousand dollars (\$2,000), for the payment
20 of which well and truly to be made we bind ourselves, our heirs, executors, ad-

21 ministrators and assigns, jointly and severally, firmly by these presents.

22 WITNESS our hands and seals this 12th day of February, 1908.

23 The condition of this obligation is such that whereas on the 10th day of
 24 February, 1908, a certain writ of attachment issued out of the circuit court of
 25 Cook county, Illinois, upon the application of John Doe, plaintiff, against the
 26 estate of the above bounden Richard Roe, defendant, directed to the sheriff
 27 of Cook county, Illinois, to execute, by virtue of which said writ the said
 28 sheriff, Henry Brown, has attached the following described property, to-wit:

29 (Here describe the property attached.)

30 And whereas the said Richard Roe, in whose possession the said property
 31 was found, is desirous of retaining the custody thereof according to the pro-
 32 visions of the statute.

33 Now, if the said estate and property shall be forthcoming to answer the
 34 judgment of the court in said action then this obligation is to be void; other-
 35 wise the same is to be and remain in full force and effect.

36 Approved February 12, 1908.

RICHARD ROE. (Seal.)

37 JAMES BROWN, *Sheriff*.

HENRY ROE. (Seal.)

Sec. 218. BOND TO PAY JUDGMENT—FORM.] Any defendant in an attachment ac-
 2 tion desiring the return of property attached may, at any time at his option, in-
 3 stead of or in substitution for the bond required in the preceding section, give
 4 like bond with security to be approved by the officer levying the writ of at-
 5 tachment in a sum sufficient to cover the claim sworn to in behalf of the plain-
 6 tiff, with all interest, damages and costs of the action, conditioned that the
 7 defendant will pay the plaintiff the amount of the judgment and costs which
 8 may be rendered against him in that action on a final trial, within ninety days
 9 after such judgment shall be rendered. Such bond shall be taken by the sheriff
 10 or other officer who shall return the same, together with a copy thereof, to
 11 the court in which the action is brought, and shall also deliver a copy thereof
 12 to the plaintiff in the attachment action. Such bond may be in substantially
 13 the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Attachment. No. 28.

BOND TO PAY JUDGMENT.

KNOW ALL MEN BY THESE PRESENTS, That we, RICHARD ROE, as principal, and HENRY ROE, as surety, are held and firmly bound unto the People of the State of Illinois in the penal sum of two thousand dollars (\$2,000), for the payment of which well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

WITNESS our hands and seals this 12th day of February, 1908.

The condition of this obligation is such that whereas on the 10th day of February, 1908, a certain writ of attachment issued out of the circuit court of Cook county, Illinois, on the application of John Doe, as plaintiff, against the estate of said Richard Roe, defendant, directed to the sheriff of Cook county, Illinois, to execute, by virtue of which said writ the said sheriff, Henry Brown, has attached certain property as property of said Richard Roe.

And whereas, the said Richard Roe, in whose possession the said property was found, is desirous of a return of the property so attached according to the provisions of the statute:

Now, if the said Richard Roe shall pay to the said John Doe the amount of the judgment and costs, if any, which may be rendered against him, the said Richard Roe, in the action in which said writ of attachment has issued, on a final trial, within ninety days after such judgment shall be rendered, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

RICHARD ROE. (Seal.)

Approved February 12, 1908.

HENRY ROE. (Seal.)

JAMES BROWN, *Sheriff*.

Sec. 219. RECOGNIZANCE TO PAY JUDGMENT.] In lieu of giving the bond provided for in the preceding section a recognizance may be taken in open court and entered of record with like condition, in which case the court shall approve the security and the recognizance made to the plaintiff, and upon a forfeiture of such recognizance judgment may be rendered and execution issued as in other cases of recognizances. When any such bond mentioned in the preceding section shall have been taken or any recognizance provided for in this section shall

8 have been entered into, the attachment shall be dissolved and the property taken
 9 restored, and all previous proceedings, either against the sheriff or against the
 10 garnishees, set aside and the action shall proceed as if the defendant had been
 11 duly served with a summons.

Sec. 220. FAILURE OF SHERIFF TO RETURN BOND, ETC.] If the sheriff or
 2 other officer shall fail to return a bond taken in any attachment action by virtue
 3 of the provisions of this Act, or shall have neglected to take one when he ought
 4 to have done so in any attachment issued under any of the provisions of this
 5 Act, the plaintiff in the judgment may cause a rule to be entered, at any time
 6 within ten days after the time fixed in the writ of attachment for the appear-
 7 ance of the defendant, requiring the said sheriff or other officer to return the
 8 said bond, or in case no bond has been taken, to show cause why such bond
 9 was not taken. If the said sheriff or other officer shall not return the said
 0 bond within one day thereafter or show legal and sufficient cause why the said
 1 bond had not been taken, judgment shall be entered up against him for the
 2 amount of the plaintiff's claim with the costs of the action and execution may
 3 thereupon issue against such sheriff or other officer for the same whenever judg-
 4 ment shall have been entered against the defendant in the attachment.

Sec. 221. EXCEPTION BY PLAINTIFF TO BOND.] The plaintiff in an attachment
 2 action may at any time within thirty days after notice of the return of any
 3 bond by the sheriff or other officer except to the sufficiency thereof, reasonable
 4 notice of such exception having been given to the sheriff or other officer who
 5 took the same, and, if, upon the hearing, the court shall adjudge such security
 6 insufficient, such sheriff or other officer shall be subject to the same judgment and
 7 recovery and have the same liberty of defense as if he had been made defend-
 8 ant in the attachment, unless good and sufficient security shall be given within
 8 such time as may be directed by the court and execution may issue thereupon
 0 as in other cases of judgment. Whenever the judgment of the plaintiff, or any

11 part thereof, shall be paid or satisfied by any such sheriff or other offi-
 12 cer, he shall have the same remedy against the defendant for the amount so
 13 paid by him as is now provided by law for bail against their principal, where
 14 a judgment is paid or satisfied by them.

Sec. 222. WHEN PLAINTIFF MAY SUE ON BOND.] If the plaintiff shall not
 2 except to the bond taken by the sheriff or other officer as aforesaid, or the ex-
 3 ceptions are not sustained and such bond shall be forfeited, the plaintiff in the
 4 attachment may bring action thereon in his own name the same as if such bond
 5 had been assigned to him and judgment shall be given for the plaintiff against
 6 the obligors in the bond for the value of the property, or, if the property is
 7 greater than the amount due upon the execution, then for the amount due and
 8 the costs of the action.

Sec. 223. SUSTENANCE OF LIVE STOCK—COMPENSATION.] When any sheriff
 2 or other officer shall serve an attachment on horses, cattle or live stock, and
 3 the same shall not be immediately replevied or restored to the debtor, such
 4 officer shall provide sufficient sustenance for the support of such live stock until
 5 the same shall be sold or discharged from such attachment. He shall receive
 6 therefor a reasonable compensation to be ascertained and determined by the
 7 court out of which the attachment issued and charged in the fee bill of such
 8 officer and the same shall be collectible as part of the costs.

Sec. 224. DISPOSITION OF PERISHABLE PROPERTY.] When any goods and chat-
 2 tels shall be levied on by virtue of any attachment and the sheriff or other
 3 officer in whose custody such goods and chattels are shall be of opinion that the
 4 same are of a perishable nature and in danger of immediate waste or decay,
 5 such sheriff or other officer shall summon three respectable freeholders of his
 6 county, who shall examine the goods and chattels so levied on and if said free-
 7 holders shall, on oath or affirmation, certify that in their opinion they are of a
 8 perishable nature and in danger of immediate waste and decay, then such goods

9 and chattels shall be sold at public vendue by the sheriff or other officer, he
 10 having first advertised such sale at the court house and two other public places
 11 in his county at least ten days before the sale: *Provided*, such property may
 12 be sold upon such notice less than ten days as the examiners shall certify will
 13 be for the best interest of the parties concerned. The money arising from such
 14 sale shall be liable to the judgment obtained upon such attachment and depos-
 15 ited in the hands of the clerk of the court to which the process shall be return-
 16 able there to abide the event of such action.

Sec. 225. SHARES OF STOCK—HOW LEVIED ON—SUBSEQUENT ASSIGNMENT.] The
 2 shares of stock or interest of a stockholder in any corporation may be levied
 3 on under a writ of attachment, but, in all cases where such shares of stock or
 4 interest have been sold or pledged in good faith for a valuable consideration
 5 and the certificate thereof has been delivered upon such sale or pledge, such
 6 shares of stock or interest shall not be sold on the execution issued in such
 7 attachment action against the vendor or pledgor excepting for the excess of the
 8 value thereof over and above the sum for which the same may have been
 9 pledged and the certificate thereof delivered. Such writ of attachment may be
 10 levied by leaving an attested copy thereof with the clerk, treasurer or cashier of
 11 the company, if there is any such officer, otherwise with any officer or person
 12 having the custody of the books and papers of the corporation; and the prop-
 13 erty shall be considered as seized on attachment when the copy is left and shall
 14 be sold under the execution issued in such attachment action in like manner
 15 as goods and chattels. No assignment, transfer or pledge of any such shares
 16 of stock made by the judgment debtor after an attested copy of the writ of
 17 attachment is left with the clerk, treasurer, cashier or other officer of the com-
 18 pany as aforesaid, shall be of any validity as against such writ of attachment.

Sec. 226. WRIT OF REPLEVIN—HOW EXECUTED.] A writ of replevin, in addi-
 2 tion to being served upon the defendant in the manner hereinbefore provided,

3 shall be executed by the officer by seizing the personal property therein de-
 4 scribed and delivering the same to the plaintiff in the action, or to his agent.

Sec. 227. PROPERTY NOT DELIVERED—CITATION—ORDER FOR DELIVERY—FORMS.]

2 When it appears by the return of the officer that demand has been made upon
 3 the defendant for the property described in the writ of replevin, but that such
 4 property or any portion thereof has not been delivered by the defendant to
 5 the officer or otherwise taken, the plaintiff, if he believe the property not so
 6 delivered to have been in the possession or under the control of said defendant
 7 at the time of such demand, may apply to the court for, and obtain, as a matter
 8 of course, a citation to the defendant requiring him to appear before the court
 9 at a time and place specified in such citation to be examined respecting such
 10 property; and if it shall appear that such property is in the possession or un-
 11 der the control of the defendant, the court may make an order requiring the
 12 defendant to forthwith deliver the same, or cause the same to be delivered, to
 13 the officer to be received by the officer subject to the final judgment in the action
 14 and may enforce compliance with such order by attachment of the defendant
 15 and the punishment of the defendant as for a civil contempt of court or by
 16 other appropriate process. Such citation may be served by any officer or person
 17 authorized by this Act to serve a summons and such service may be made by
 18 delivering to the defendant a copy of such citation, together with a copy of
 19 the plaintiff's application, and informing the defendant of the contents of such
 20 copy of the citation at least two (2) days prior to the day fixed therein for
 21 the appearance of the defendant, which day shall be not less than three (3)
 22 nor more than ten (10) days after the date thereof. The following forms of
 23 application and citation under this section shall be deemed sufficient and shall
 24 be taken as furnishing suggestions from which other applications and citations
 25 may be properly framed:

1. APPLICATION FOR CITATION IN REPLEVIN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 40.
v.		
Richard Roe.		

APPLICATION FOR CITATION.

The plaintiff says:

1. That a writ of replevin was issued in the above entitled action on the 10th day of February, 1908, in and by which the sheriff of Cook county was commanded to replevy from the possession of the defendant and deliver to the plaintiff one bay horse with a white star in the forehead and one black and white cow.

2. That said sheriff returned said writ on the 17th day of February, 1908, with his return indorsed thereon showing that demand had been made upon the defendant for the property described in said writ of replevin, but that said black and white cow had not been delivered by the defendant to the sheriff or otherwise taken.

3. That plaintiff verily believes that said black and white cow was in the possession or under the control of said defendant at the time of the demand made upon the defendant by the sheriff as aforesaid.

Wherefore plaintiff prays for a citation to the defendant requiring him to appear before the court at ten o'clock a. m. on February 25, 1908, for examination respecting said property.

JOHN DOE,

By HENRY BROWN,

His Attorney.

John Doe on his oath says that the foregoing application by him subscribed is true in substance and in fact.

JOHN DOE.

Subscribed and sworn to before me this 18th day of February, 1908.

JOHN SMITH, *Clerk.*

2. CITATION IN REPLEVIN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 40.
v.		
Richard Roe.		

CITATION FOR DEFENDANT.

The People of the State of Illinois—GREETING to Richard Roe:

We hereby command you to personally be and appear before the circuit court of Cook county, Illinois, at the county court house in Chicago in said

64 county, at ten o'clock a. m. on Tuesday, the 25th day of February, 1908, to be
65 examined under oath concerning the property described in the writ of replevin
66 in the above entitled action and not delivered by you to the sheriff of said Cook
67 county.

Witness John Smith, clerk of said circuit court and the seal thereof,
at Chicago, Illinois, this 18th day of February, 1908.

70 JOHN SMITH, *Clerk.*

Sec. 228. DUTY OF DEFENDANT TO DELIVER PROPERTY—CONTEMPT OF COURT—

2 POWER OF COURT.] It shall be the duty of every defendant in an action of re-
3 plevin, upon being served by the proper officer with the writ of replevin issued
4 in such action, unless he shall elect to enter into a bond as provided in the suc-
5 ceeding section, to deliver or cause to be delivered to the officer the property
6 described in such writ, or such portion thereof as may be then in the posses-
7 sion or under the control of such defendant, and a failure to so deliver such
8 property, when the same is in the possession or under the control of the de-
9 fendant, shall be deemed a contempt of court and shall be punished accord-
10 ingly; and if, after the service upon the defendant of a writ of replevin, the
11 defendant shall, for the purpose of defeating the seizure of the property by
12 the officer, or otherwise, deliver or cause to be delivered such property to any
13 third person, the court shall have full power and authority, by summary pro-
14 ceedings, to pursue the said property into whosoever hands the same may
15 come and to cause the same to be delivered to the officer to be disposed of under
16 such writ.

Sec. 229. RETENTION OF PROPERTY BY DEFENDANT—FORTHCOMING BOND.] The

2 defendant in an action of replevin, having possession of the property or any
3 portion thereof described in the writ of replevin, may be permitted to retain
4 the same, or any portion thereof, upon his entering into a bond with security
5 to the plaintiff, to be approved by the officer serving the writ, in double the
6 value of the property proposed to be retained, conditioned that the property

7 so retained shall be forthcoming to answer the judgment of the court in said
 8 action, and to that end the officer having the writ shall, before delivering the
 9 property described in the writ to the plaintiff, afford the defendant reason-
 10 able opportunity for the giving of such bond. The officer taking such bond
 11 shall return the same on or before the date specified in the writ of replevin for
 12 the appearance of the defendant and shall likewise deliver a copy thereof to
 13 the plaintiff in the action. The bond provided for in this section may be in
 14 substantially the following form:

15 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

16 John Doe,
 17 vs. }
 18 Richard Roe, } Replevin. No. 40.

19 FORTHCOMING BOND.

20 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and
 21 Henry Roe, as surety, are held and firmly bound unto John Doe in the penal
 22 sum of two thousand dollars (\$2,000), for the payment of which well and truly
 23 to be made we bind ourselves, our heirs, executors, administrators and assigns,
 24 jointly and severally, firmly by these presents.

25 Witness our hands and seals this 12th day of February, 1908.

26 The condition of this obligation is such that whereas on the 10th day of
 27 February, 1908, a certain writ of replevin issued out of the circuit court of Cook
 28 county, Illinois, upon the application of said John Doe, plaintiff, against said
 29 Richard Roe, defendant, directed to the sheriff of Cook county, to execute, by
 30 virtue of which said writ the said sheriff, Henry Brown, was commanded to
 31 cause to be replevied from the possession of said Richard Roe and to be de-
 32 livered to said John Doe the following goods and chattels, to-wit:

33 (Here insert description of property about to be replevied.)

34 And, whereas, the said Richard Roe, in whose possession the said property
 35 now is, is desirous of retaining the custody thereof pending the determination
 36 of the action according to the provisions of the statute:

37 Now, if the said property shall be forthcoming to answer the judgment of
 38 the court in said action, then this obligation is to be void, otherwise the same
 39 is to be and remain in full force and effect.

40 Approved, February 12, 1908.

41 RICHARD ROE, [SEAL.]

42 HENRY ROE, [SEAL.]

43 JAMES BROWN, *Sheriff*.

NOTE.

44

45 If the property proposed to be retained is only a portion of the prop-
46 erty described in the writ of replevin the above form may be varied from
47 accordingly.

 Sec. 230. RETURN OF PROPERTY TO DEFENDANT PENDING ACTION—FORTHCOM-
2 ING BOND.] The defendant in an action of replevin from whose possession any
3 property described in the writ of replevin has been taken and delivered to the
4 plaintiff may, at any time before the final determination of the action, secure
5 the return thereof, pending such determination of the action, upon application
6 to the court for such return and upon his entering into a bond with security
7 to the plaintiff, to be approved by the court, in double the value of the prop-
8 erty to be returned, conditioned that the property so returned shall be forth-
9 coming to answer the judgment of the court in said action. The bond so taken
10 shall be filed in the action and a copy thereof shall likewise be delivered by
11 the defendant to the plaintiff. The bond provided for in this section may be
12 in substantially the following form:

13 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

14 John Doe }
15 Richard Roe, } Replevin. No. 40.

16 FORTHCOMING BOND.

17 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and
18 Henry Roe, as surety, are held and firmly bound unto John Doe in the penal
19 sum of two thousand dollars (\$2,000), for the payment of which well and truly
20 to be made we bind ourselves, our heirs, executors, administrators and assigns,
21 jointly and severally, firmly by these presents.

22 Witness our hands and seals this 18th day of February, 1908.

23 The condition of this obligation is such that, whereas, on the 10th day of
24 February, 1908, a certain writ of replevin issued out of the circuit court of
25 Cook county, Illinois, on the application of John Doe, as plaintiff, against said
26 Richard Roe, as defendant, directed to the sheriff of Cook county, Illinois, to

27 execute, by virtue of which said writ the said sheriff, Henry Brown, has re-
 28 plevied from the possession of said Richard Roe and delivered to said John Doe
 29 the following described property, to-wit:

30 (Here describe property replevied.)

31 And, whereas, the said Richard Roe, from whose possession the said prop-
 32 erty was replevied, is desirous of a return of the same pending the determina-
 33 tion of said action according to the provisions of the statute:

34 Now, if the said property shall be forthcoming to answer the judgment of
 35 the court in said action, then this obligation is to be void; otherwise the same is
 36 to be and remain in full force and effect.

36 Approved February 18, 1908.

37 JOHN JONES, *Judge*.

RICHARD ROE, [SEAL.]

38 HENRY ROE, [SEAL.]

Sec. 231. DUTY OF OFFICER TO SERVE SUMMONS OR WRIT—PENALTY.] It shall

2 be the duty of the sheriff, deputy sheriff, coroner, deputy coroner, bailiff or
 3 deputy bailiff, to whom any summons or writ is issued and delivered, to serve
 4 the same, when it shall be practicable, at least five days before the day specified
 5 therein for the appearance of the defendant, or at all events prior to the day so
 6 specified for such appearance, and to return the same within not more than two
 7 days after the same shall have been served upon the defendant or defendants
 8 therein named, and at all events on or before the day specified in such summons
 9 for the appearance of the defendant. If any sheriff, deputy sheriff, coroner, deputy
 10 coroner, bailiff, or deputy bailiff to whom any summons or writ shall have been
 11 delivered shall neglect or refuse to make return of the same before or on the
 12 day therein specified for the appearance of the defendant, the plaintiff may
 13 enter a rule requiring such sheriff, deputy sheriff, coroner, deputy coroner,
 14 bailiff or deputy bailiff to make return of such summons or writ on a day to
 15 be fixed by the court, or to show cause on that day why he should not be at-
 16 tached for a contempt of court; and the plaintiff shall thereupon cause a writ-
 17 ten notice of such rule to be served upon such sheriff, deputy sheriff, coroner,
 18 deputy coroner, bailiff or deputy bailiff, and if good and sufficient cause be not

19 shown to excuse such officer the court shall adjudge him guilty of contempt and
 20 shall proceed to punish him as in other cases of contempt.

Sec. 232. ALIAS AND PLURIES SUMMONSES AND WRITS.] In case any summons
 2 or writ shall not be served upon the defendant prior to the day specified for
 3 the appearance of the defendant, or if any writ of attachment or replevin shall
 4 not have been executed by the levy upon or seizure of the property subject to
 5 be levied upon or seized under such writ, an alias summons or writ may be
 6 issued and a subsequent pluries summons or writ may be issued in any case
 7 when the previous alias or pluries summons or writ shall not have been
 8 served upon the defendant prior to the day specified in the previous summons
 9 or writ for the appearance of the defendant, or when any previous alias or
 10 pluries writ of attachment or replevin shall not have been executed by the
 11 levy upon or seizure of the property subject to be levied upon or seized under
 12 such writ. Service or execution of such alias or pluries summons or writ shall
 13 be made in the same manner as that above provided for the service or execution
 14 of the original summons or writ.

Sec. 233. SERVICE OF SUMMONS OR WRIT WITHOUT THE STATE.] Service of
 2 any summons or writ may likewise be made in any case in which notice by pub-
 3 cation may be given as hereinafter provided by service thereof at any place
 4 without this State, such service to be made in the same manner and upon the
 5 same person or persons as if made within this State: *Provided, however,* that
 6 no person served with summons beyond the limits of this State shall be re-
 7 quired to enter his appearance until the lapse of twenty days after such service;
 8 and, *provided, further,* that the copy of the summons delivered to the person
 9 served in any such case shall have attached thereto a copy of the plaintiff's
 10 praecipe and statement of claim, praecipe, distress warrant and inventory, prae-
 11 cipe, petition, or information, or bill of complaint in equity, or praecipe, affi-
 12 davit and bond in attachment, or praecipe, affidavit and bond in replevin, as the

13 case may be, and of all other papers required by this act to be served upon the
 14 defendant. When the person thus served is, at the time of such service, a
 15 resident of this State, and his absence therefrom is but temporary, he shall be
 16 bound by any order, judgment or decree entered in the action to the same ex-
 17 tent, and such order, judgment or decree may be enforced against him indi-
 18 vidually or against any of his property within this State, in like manner, as if
 19 such summons or writ had been served within this State.

Sec. 234. CAPIAS AD RESPONDENDUM—HOW SERVED.] A capias ad responden-
 2 dum shall be served by arresting the defendant and delivering to him a copy
 3 of such capias ad respondendum together with a copy of the plaintiff's state-
 4 ment of claim and affidavit with the order of the judge or master in chancery
 5 endorsed thereon, and the officer making the arrest shall thereupon proceed in
 6 accordance with the provisions of the Act entitled "An Act concerning bail in
 7 civil cases," approved January 22, 1872, and in force July 1, 1872.

Sec. 235. SERVICE OF QUASI CRIMINAL WARRANT.] A warrant issued as here-
 2 inbefore provided in a quasi criminal action to recover a fine or penalty for
 3 a violation of an ordinance of a municipal corporation shall be served and exe-
 4 cuted in the manner provided in the division of this Act dealing with said action.

Sec. 236. SERVICE OF HABEAS CORPUS, NE EXEAT, OR BASTARDY WARRANT.] A
 2 writ of habeas corpus, a writ of ne exeat or a bastardy warrant shall be served
 3 in the manner provided in the divisions of this Act dealing with said actions
 4 respectively.

DIVISION XVI.

NOTICE BY PUBLICATION.

SECTION

237. When defendant may be notified by publication.
238. Notice by publication in courts of original jurisdiction to non-residents—forms of affidavit—form of notice.
239. Notice to unknown owners, heirs and devisees—affidavit—forms.
240. Publication in case of writ of error—forms.

SECTION

241. When notice not to be void for insufficiency of affidavit.
242. When notice may be given—publication—default.
243. Payment of fees of publisher.
244. Publisher's fees fixed by judges—designation of newspaper—rebates forbidden.

Sec. 237. WHEN DEFENDANT MAY BE NOTIFIED BY PUBLICATION.] A defend-

ant may be notified of the pendency of an action or proceeding by publication of notice in a newspaper, to the extent and in the manner hereinafter prescribed, in the following cases:

First—ATTACHMENT.] In actions of attachment, including attachments of water craft and attachments in aid.

Second—DISTRESS FOR RENT.] In actions of distress for rent.

Third—REPLEVIN.] In actions of replevin.

Fourth—TRIAL OF RIGHT OF PROPERTY.] In actions for the trial of the right of property.

Fifth—FORCIBLE DETAINER.] In actions of forcible detainer.

Sixth—EJECTMENT.] In actions of ejectment.

Seventh—REVIVAL OF JUDGMENT.] In actions to revive judgments.

Eighth—EQUITY.] In actions in equity, as defined in Clause Twelfth of section one hundred forty (140) of this Act.

Ninth—EMINENT DOMAIN.] In actions of eminent domain.

Tenth—RECOGNIZANCE.] In actions on recognizances.

Eleventh—APPELLATE PROCEEDINGS.] In appellate proceedings.

19 *Twelfth*—OTHER ACTIONS.] In all other actions and proceedings in which
 20 such notice by publication is permitted by other provisions of this act or by
 21 other laws in force at the time of the taking effect of this Act.

Sec. 238. NOTICE BY PUBLICATION IN COURTS OF ORIGINAL JURISDICTION TO NON-
 2 RESIDENTS—FORMS OF AFFIDAVIT—FORM OF NOTICE.] Whenever any plaintiff or
 3 other party to the action or proceeding, or his agent or attorney, in any action
 4 or proceeding mentioned in the preceding section pending in a court of original
 5 jurisdiction, shall file in the office of the clerk of the court in which the action or
 6 proceeding is pending an affidavit showing that any defendant or other party
 7 to the action or proceeding resides or has gone out of this State, or on due in-
 8 quiry cannot be found, or is concealed within this State so that process cannot
 9 be served upon him, stating the place of residence of such party, if known, or
 10 that upon diligent inquiry his place of residence cannot be ascertained, or that
 11 any defendant or other party to the action or proceeding is a foreign corpora-
 12 tion and that, upon due inquiry, no officer or agent of such foreign corporation,
 13 upon whom process can be served in such action or proceeding, can be found in
 14 this State, the clerk shall cause publication to be made in some newspaper print-
 15 ed in his county, and, if there be no newspaper printed in his county, then in the
 16 nearest newspaper published in this State, containing notice of the pendency of
 17 such action or proceeding, a specification of the court in which the action is
 18 pending, the names of the parties thereto, and the time and place at which the
 19 defendant or other party to the action or proceeding is required to appear,
 20 which day shall be some Monday not less than forty (40) nor more than sixty
 21 (60) days from the filing of the affidavit, and, if the action be an action at law
 22 for the recovery of money only or an action to revive a judgment, the amount
 23 of the plaintiff's claim, and he shall also, within ten days of the first publication
 24 of such notice, send a copy thereof by mail addressed to such defendant or
 25 other party to the action or proceeding whose place of residence is stated in

such affidavit. The affidavit thus provided for may be a separate affidavit, or it may form part of an affidavit verifying a bill in equity or of any other affidavit filed by the party on whose behalf the notice is to be published. The certificate of the publisher that he has published and of the clerk that he has sent such notice in pursuance of this section shall be evidence. The following forms of affidavit and notice to a non-resident defendant in a court of original jurisdiction shall be deemed sufficient and shall be taken as furnishing suggestions from which other affidavits and notices may be properly framed:

1. AFFIDAVIT OF NON-RESIDENCE STATING PLACE OF RESIDENCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 25.
v.		
Richard Roe et al.		

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendants, Richard Roe and Mary Roe, reside out of the State of Illinois and that the place of residence of each of them is at Kokomo, in the state of Indiana.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

2. AFFIDAVIT THAT DEFENDANT HAS GONE OUT OF STATE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 35.
v.		
Richard Roe.		

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendant, Richard Roe, has gone out of the State of Illinois and that the place of residence of said Richard Roe is No. 6724 Wentworth avenue, Chicago, Illinois.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

3. AFFIDAVIT THAT DEFENDANT ON DUE INQUIRY CANNOT BE FOUND AND THAT
UPON DILIGENT INQUIRY HIS PLACE OF RESIDENCE CANNOT BE ASCERTAINED.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 35.
v.		
Richard Roe.		

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendant, Richard Roe, on due inquiry cannot be found and that upon diligent inquiry his place of residence cannot be ascertained.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

4. AFFIDAVIT THAT DEFENDANT IS CONCEALED WITHIN THIS STATE SO THAT PROCESS CANNOT BE SERVED UPON HIM, SPECIFYING HIS PLACE OF RESIDENCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Replevin. No. 35.
v.		
Richard Roe.		

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendant, Richard Roe, is concealed within this State so that process cannot be served upon him and that his place of residence is No. 2657 State street, Chicago, Illinois.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

5. AFFIDAVIT THAT DEFENDANT IS A FOREIGN CORPORATION AND THAT UPON DUE INQUIRY NO OFFICER OR AGENT CAN BE FOUND IN THIS STATE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Ejectment. No. 57.
v.		
The Empire Manufacturing		
Company.		

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendant, the Empire Manufacturing Company, is a foreign

97 corporation and that upon due inquiry no officer or agent of said corporation
 98 upon whom process can be served in said action can be found in this State.

99 JOHN DOE.

100 Subscribed and sworn to before me this 10th day of February, 1908.

101 JOHN SMITH, *Clerk*

102 6. NOTICE BY PUBLICATION IN REPLEVIN.

103 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

104	John Doe	}	Replevin. No. 25.
105	v.		
106	Richard Roe and Mary Roe.		

107 NOTICE BY PUBLICATION.

108 To Richard Roe and Mary Roe:

109 You are hereby notified to appear in person or by attorney before the circuit
 110 court of Cook county, Illinois, at the county court house in Chicago in said
 111 county, on Monday, the 23rd day of March, 1908, to answer to the above entitled
 112 action of replevin brought against you in said court by John Doe.

113 Dated Chicago, Illinois, February 10, 1908.

114 JOHN SMITH, *Clerk*

115 NOTE.

116 The foregoing form may be made applicable to all other forms of action by
 117 changing the classification of the action and by substituting for the words "of
 118 replevin" in the body of the notice the following:

119 *First*—ATTACHMENT.] In an action of attachment the words "of attach-
 120 ment for (here insert amount of claim)."

121 *Second*—ATTACHMENT IN AID.] In an action of attachment in aid the words
 122 "of attachment in aid for (here insert the amount of claim)."

123 *Third*—DISTRESS FOR RENT.] In an action of distress for rent the words "of
 124 distress for rent for (here insert amount of claim)."

125 *Fourth*—REVIVAL OF JUDGMENT.] In an action to revive a judgment the
 126 words "to revive a judgment to the amount of (here insert amount claimed to
 127 be due on the judgment)."

128 *Fifth*—FORCIBLE DETAINER.] In an action of forcible detainer the words “of
129 forcible detainer.”

130 *Sixth*—TRIAL OF RIGHT OF PROPERTY.] In an action for the trial of the right
131 of property the words “for the trial of the right of property.”

132 *Seventh*—EJECTMENT.] In an action of ejectment the words “of ejectment.”

133 *Eighth*—RECOGNIZANCE.] In an action on a recognizance the words “on a
134 recognizance for (here insert amount of recognizance).”

135 *Ninth*—EMINENT DOMAIN.] In an action of eminent domain the words “of
136 eminent domain.”

137 *Tenth*—EQUITY.] In an action in equity the words “in equity.”

Sec. 239. NOTICE TO UNKNOWN OWNERS, HEIRS AND DEVISEES—AFFIDAVIT—
2 FORMS.] In any action in equity, or in any other action concerning the title to
3 real estate, if there be persons interested in the same whose names are unknown
4 it shall be lawful to make such persons parties to such action by the names and
5 descriptions of unknown owners, or unknown heirs or devisees of any deceased
6 person who may have been interested in the subject matter of the action pre-
7 vious to his or her death; but in all such cases an affidavit shall be filed by the
8 party desiring to make any unknown persons parties stating that the names
9 of such persons are unknown; and process may be issued against all parties
10 by the name and description given as aforesaid; and notice given by publication
11 to such unknown owners, heirs or devisees, shall be sufficient to authorize the
12 court to hear and determine the action as though all parties had been sued by
13 their proper names. The following forms of affidavit and notice by publication
14 to unknown persons in an action in a court of original jurisdiction shall be
15 deemed sufficient and shall be taken as furnishing suggestions from which other
16 affidavits and notices may be properly framed:

1. AFFIDAVIT THAT HEIRS AND DEVISEES OF DECEASED PERSON ARE UNKNOWN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 75.
v.	
Richard Roe and the unknown heirs	
and devisees of Henry Roe, de-	
ceased.	

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that Henry Roe is a deceased person who was interested in the subject-matter of the above entitled action previous to his death, and that the names of all of the heirs and devisees of said Henry Roe, deceased, are unknown to the plaintiff.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

2. AFFIDAVIT THAT PERSONS ARE INTERESTED IN REAL ESTATE WHOSE NAMES ARE UNKNOWN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 80.
v.	
Richard Roe and the unknown owners of the South-west Quarter of Section Seventeen (17), Township Twenty-seven (27) North, Range One (1) East of the Third Principal Meridian in Cook county, Illinois.	

AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that there are persons interested in the Southwest Quarter of Section Seventeen (17), Township Twenty-seven (27) North, Range One (1) East of the Third Principal Meridian, in Cook county, Illinois, and that the names of all of said persons, other than Richard Roe, are unknown to the plaintiff.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk*

3. NOTICE BY PUBLICATION TO UNKNOWN HEIRS AND DEVISEES.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe and the unknown heirs
and devisees of Henry Roe, de-
ceased.

} In Equity. No. 75.

NOTICE BY PUBLICATION.

To the unknown heirs and devisees of Henry Roe, deceased:

You are hereby notified to appear in person or by attorney before the circuit court of Cook county, Illinois, at the county court house in Chicago, in said county, on Monday, the 23rd day of March, 1908, to answer to the above entitled action in equity brought against you in said court by John Doe.

Dated Chicago, Illinois, February 10, 1908.

JOHN SMITH, *Clerk.*

Sec. 240. PUBLICATION IN CASE OF WRIT OF ERROR—FORMS.] Whenever any

party to any writ of error pending in the supreme court or in any appellate court, or his agent or attorney, shall file in the office of the clerk of the court in which the writ of error is pending an affidavit showing that any party to the writ of error resides or has gone out of this State, or on due inquiry cannot be found, or is concealed within this State so that process cannot be served upon him, and stating the place of residence of such party, if known, and also the place of residence of the attorneys who appeared for such party in the action in the court to which the writ of error is prosecuted or that upon diligent inquiry their places of residence cannot be ascertained, the clerk of the court in which the writ of error is pending shall cause publication to be made in some newspaper published in the county in which the action was originally instituted, or, if no newspaper shall be published in such county, then in a newspaper published nearest to such county, containing notice of the pendency of the writ of error the court in which the writ of error is pending, the names of the parties thereto and the place and the day on or before which such party is required to appear, which day shall be some Tuesday not less than forty (40) days nor more than

sixty (60) days after the date of the first publication of notice as the party suing out such writ of error may require; and the clerk shall also, within ten (10) days after the first publication of such notice send a copy thereof by mail addressed to such party and the attorneys whose places of residence are stated in such affidavit. The certificate of the clerk that he has sent such notice in pursuance of this section shall be evidence. Such notice shall be published for four consecutive weeks and the first insertion thereof shall be at least forty (40) days before the date on or before which the party is required to appear. A like publication shall be made in case there are parties to such writ of error whose names are unknown to the party suing out the same upon the filing by him with the clerk of the court from which the writ of error is sued out of an affidavit setting forth that the names of such persons are unknown. The following forms of affidavits and notices by publication to parties to writs of error who are non residents or whose names are unknown shall be deemed sufficient and shall be taken as furnishing suggestions from which other affidavits and notices may be properly framed:

1. AFFIDAVIT OF NON-RESIDENCE OF PARTIES TO WRIT OF ERROR.

IN THE SUPREME COURT OF ILLINOIS.

36 John Doe 37 v. 38 Richard Roe and Mary Roe	}	No. 155. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by plaintiff.
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AFFIDAVIT FOR PUBLICATION OF NOTICE.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendants, Richard Roe and Mary Roe, reside out of the State of Illinois and that the places of residence of each of them is at Kokomo in the state of Indiana. and he further says that William Brown was the attorney who appeared in the action for the defendants in said circuit court and that the place of residence of said William Brown is Chicago, Illinois, and his post-office address is Room 607, Fort Dearborn Building, Chicago, Illinois.

JOHN DOE

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM SMITH, *Clerk.*

NOTE.

(When the party to be notified has gone out of the State, or on due inquiry cannot be found, or is concealed within the State so that process cannot be served upon him, the above form of affidavit may be varied from accordingly.)

2. AFFIDAVIT THAT PARTIES TO WRIT OF ERROR ARE UNKNOWN.

IN THE SUPREME COURT OF ILLINOIS.

John Doe	} No. 175. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by plaintiff.
v.	
Richard Roe and the unknown heirs	
and devisees of Henry Roe, deceased.	

AFFIDAVIT FOR NOTICE BY PUBLICATION.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the names of the heirs and devisees of Henry Roe, deceased, who were parties to said action in said circuit court of Cook county as the unknown heirs and devisees of Henry Roe, deceased, are unknown to the plaintiff.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM SMITH, *Clerk.*

3. NOTICE TO NON-RESIDENT PARTIES.

IN THE SUPREME COURT OF ILLINOIS.

John Doe	} No. 155. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by plaintiff.
v.	
Richard Roe and Mary Roe.	

NOTICE BY PUBLICATION.

To Richard Roe and Mary Roe:

You are hereby notified to appear in person or by attorney before the supreme court of Illinois at the supreme court building, in Springfield, on Tuesday, the 24th day of March, 1908, to answer to a writ of error brought and pending in said supreme court of Illinois and entitled as above.

Dated Chicago, Illinois, February 10, 1908.

WILLIAM SMITH, *Clerk.*

4. NOTICE TO PARTIES WHOSE NAMES ARE UNKNOWN.

IN THE SUPREME COURT OF ILLINOIS.

John Doe

v.

No. 175.

Richard Roe and the unknown heirs
and devisees of Henry Roe, de-
ceased.

Writ of Error to Circuit Court of Cook
County,
Hon. John Jones, Judge Presiding,
prosecuted by plaintiff.

NOTICE BY PUBLICATION.

To the unknown heirs and devisees of Henry Roe, deceased:

You are hereby notified to appear in person or by attorney before the supreme court of Illinois at the supreme court building in Springfield, on Tuesday, the 24th day of March, 1908, to answer to a writ of error brought and pending in said supreme court of Illinois, and entitled as above.

Dated Chicago, Illinois, February 10, 1908.

WILLIAM SMITH, *Clerk.*

Sec. 241. WHEN NOTICE, NOT TO BE VOID FOR INSUFFICIENCY OF AFFIDAVIT.] No

notice by publication as provided for in this Act shall be deemed void, or insufficient to confer upon the court jurisdiction of the persons of the parties thus notified, on account of any defect, insufficiency or irregularity of any affidavit hereinbefore provided for, if, by additional affidavit or otherwise, it shall be made to appear to the satisfaction of the court in which such action shall have been brought, or into which the same may be removed by appeal or writ of error, that the requisite facts existed at the time such original affidavit was filed which authorized such notice by publication.

Sec. 242. WHEN NOTICE MAY BE GIVEN—PUBLICATION—DEFAULT.] The notice

required in the preceding sections may be given at any time after the commencement of the action and shall be published at least once in each week for four successive weeks and no default or proceeding shall be taken against any defendant not served with the summons or writ and not appearing, unless forty (40) days shall intervene between the first publication as aforesaid and the day on which such defendant is required by the notice to appear.

Sec. 243. PAYMENT OF FEES OF PUBLISHER.] The fees of the publisher for
 2 the publication of any notice provided for in the preceding section shall be de-
 3 posited by the plaintiff with the clerk at the time of the filing by the plaintiff
 4 of the affidavit hereinbefore provided for, and shall be paid by the clerk to the
 5 publisher upon the return by the publisher of his certificate showing the due
 6 publication of such notice.

Sec. 244. PUBLISHERS' FEES FIXED BY JUDGES—DESIGNATION OF NEWSPAPER—
 2 REBATES FORBIDDEN.] The fees of the publishers for the publication of notices
 3 shall be fixed in each circuit in this State by the circuit judges thereof and when
 4 so fixed shall not be varied from until changed by said judges. The plaintiff
 5 or other party causing the publication of any notice shall be permitted to specify
 6 the newspaper in which the publication is to be made. No clerk or attorney
 7 shall in any case receive, nor shall any publisher pay, directly or indirectly, any
 8 rebate or commission upon the fees for any such notice. Any such clerk, attor-
 9 ney or publisher who shall receive or pay any such rebate or commission shall
 10 be deemed guilty of a misdemeanor.

DIVISION XVII.

APPEARANCES OF DEFENDANTS.

SECTION

245. When defendant served with summons or writ must enter appearance—appearances in mandamus, quo warranto, etc.—appearance to be in writing etc.
246. When defendant served with summons in forcible detainer must appear.

SECTION

247. When defendant notified by publication must enter appearance.
248. Appearance to be general—right to move in abatement not prejudiced.

Sec. 245. WHEN DEFENDANT SERVED WITH SUMMONS OR WRIT MUST ENTER
 2 APPEARANCE—APPEARANCE IN MANDAMUS, QUO WARRANTO, ETC.—APPEARANCE TO BE

3 IN WRITING, ETC.] The defendant in any action, other than an action of forcible
4 detainer, in case he shall have been served with the summons or writ five days
5 or more prior to the day specified therein for his appearance, shall enter his ap-
6 pearance on or before the Thursday succeeding the day specified in the sum-
7 mons or writ therefor, but in case the summons or writ shall have been served
8 less than five days prior to the day therein specified for the appearance of the
9 defendant, the defendant shall not be required to enter his appearance until
10 on or before the first Monday succeeding such day specified for his appear-
11 ance: *Provided, however,* that when any defendant so served with the sum-
12 mons or writ does not reside in the county in which the action is brought the
13 time for entering his appearance shall be extended one week from the Thursday
14 succeeding the day so specified in the summons or writ, or from the first Mon-
15 day succeeding such day specified in the summons or writ, as the case may be,
16 and that when the plaintiff files with his statement of claim an affidavit of
17 claim, as hereinafter provided for, or interrogatories to be answered by the
18 defendant, or a statement in writing, verified by affidavit, of facts which he
19 expects to prove upon the trial, the time within which the defendant would
20 otherwise be required to enter his appearance shall be extended five days; and
21 *provided, further,* that in any action of mandamus or action of quo warranto
22 or any action involving public interests the court may, by special order, require
23 the defendant to appear on the day specified in the summons, though served
24 therewith less than five days prior to the day so specified. Every such appear-
25 ance shall be in writing and shall be signed by the party or his attorney and
26 filed with the clerk and a copy thereof shall be forthwith delivered
27 by the defendant to the plaintiff or his attorney. When any defendant files
28 an appearance in writing the same shall specify the postoffice address and
29 place of business of the defendant, if the defendant appear in his own proper
30 person, or the place of business of his attorney, if the defendant appear by at-
31 torney, and in default of such specification the clerk shall refuse to file the

32 same. Whenever, after the entry of such appearance and before the final deter-
 33 mination of the action, the post office address or place of business of the de-
 34 fendant, if the defendant appear in his own proper person, or the place of busi-
 35 ness of his attorney shall be changed, notice in writing thereof shall be given
 36 by the defendant to the plaintiff or his attorney: *Provided, however,* that, when
 37 there are more than three defendants joining in one appearance and the de-
 38 fendants appear in their own proper persons, it shall be unnecessary to specify
 39 therein the post office addresses and places of business of more than three
 40 defendants.

Sec. 246. WHEN DEFENDANT SERVED WITH SUMMONS IN FORCIBLE DETAINER
 2 MUST APPEAR.] The defendant in any action of forcible detainer, in case he
 3 shall have been served with the summons three days or more prior to the day
 4 specified therein for his appearance, shall enter his appearance on the day so
 5 specified, but in case the summons shall have been served less than three days
 6 prior to the day therein specified for the appearance of the defendant, the de-
 7 fendant shall not be required to enter his appearance until on or before the
 8 first Monday succeeding such day specified for his appearance.

Sec. 247. WHEN DEFENDANT NOTIFIED BY PUBLICATION MUST ENTER APPEAR-
 2 ANCE.] Whenever any defendant in any action shall have been notified by pub-
 3 lication of notice of the pendency of the action in the manner hereinbefore
 4 provided, he shall file his appearance in writing, in the form prescribed in the
 5 next but one preceding section, on or before the day in which he is required
 6 by the notice to appear and shall cause a copy of such appearance to be deliv-
 7 ered to the plaintiff or his attorney as provided by said section.

Sec. 248. APPEARANCE TO BE GENERAL—RIGHT TO MOVE IN ABATEMENT NOT
 2 PREJUDICED.] Every appearance shall be general, but it shall in no manner

3 prejudice the right of the defendant to move to abate the action in the manner
 4 hereinafter provided. Appearances may be in substantially the forms pre-
 5 scribed in section two hundred seventy-eight (278) of this Act.

DIVISION XVIII.

STATEMENTS OF CLAIMS AND SPECIFICATIONS OF DEFENSES IN ACTIONS AT LAW.

SECTION

- 249. Pleadings and bills of particulars in actions at law abolished excepting as otherwise provided — papers substituted.
- 250. Statement of claim to be mere memorandum.
- 251. Forms of statements of claims.
- 252. Forms of præcipes and statements of claims, etc.
- 253. Motion and affidavit in abatement—specification of defense.
- 254. Motion in abatement to be accompanied by affidavit—when action not to abate—form.
- 255. How motion in abatement determined.
- 256. Judgment upon determination of motion in abatement.
- 257. Defects removable by amendment.
- 258. Specification of defenses to be mere memorandum.
- 259. Classification of actions for purposes of specification of defenses.
- 260. Defenses to actions on contracts not in writing.
- 261. Defenses to certain actions on contracts in writing.
- 262. Defenses to actions on penal bonds.
- 263. Defenses to actions on judgments.
- 264. Defenses to actions for torts to person or property.

SECTION

- 265. Defenses to actions of replevin.
- 266. Defenses to actions for trial of right of property.
- 267. Defenses to actions for torts to real estate.
- 268. Defenses to actions of forcible detainer.
- 269. Defenses to actions of ejectment.
- 270. Defenses in attachment.
- 271. Defenses in quasi criminal actions.
- 272. Defenses to actions on recognizances.
- 273. Specification of defenses to several claims.
- 274. Counter-claim—form—defenses—trial of issues—stay of judgment—action not to be dismissed without consent.
- 275. Statement of facts constituting defenses in lieu of specification of defenses in abbreviated form.
- 276. Cause at issue—evidence.
- 277. Defense by defendant refusing to join as plaintiff or by assignor.
- 278. Forms of appearance with specification of defenses.
- 279. Procedure when papers objectionable in form.
- 280. Bill of particulars—when demandable—purpose and nature of.

Sec. 249. PLEADINGS AND BILLS OF PARTICULARS IN ACTIONS AT LAW ABOL-
 2 ISHED EXCEPTING AS OTHERWISE PROVIDED — PAPERS SUBSTITUTED.] Excepting as

may be otherwise expressly provided by this Act, the forms and modes of pleading and bills of particulars heretofore in use in courts of record in this State in civil and quasi criminal actions at law are hereby abolished, and in lieu of the pleadings of the plaintiff, there is hereby substituted a copy of the distress warrant and inventory in an action of distress for rent, an affidavit for attachment in an action of attachment or attachment of water craft, an affidavit for replevin in an action of replevin, a complaint in a quasi criminal action commenced by warrant, and a statement of claim in other actions, and in lieu of the pleadings of the defendant there is substituted a specification of the defendant's defense or defenses. When practicable, the statement of the plaintiff's claim, the affidavit for attachment, the affidavit for replevin, or the complaint in a quasi criminal action commenced by warrant, as the case may be, and the affidavit of claim hereinafter authorized, if any, shall be written upon the same sheet of paper as the praecipe, and, when that is impracticable, they shall be fastened together and filed as one paper.

Sec. 250. STATEMENT OF CLAIM TO BE MERE MEMORANDUM.] The statement of the plaintiff's claim provided for in the preceding section shall not, as heretofore, be a complete statement of all the elements which constitute a cause of action, but shall be a mere memorandum specifying the nature of the cause of action and giving such information as to place, time and other particulars as to enable the defendant to ascertain the transaction or transactions respecting which the action is brought and may be substantially as follows:

First—CONTRACT NOT IN WRITING FOR PAYMENT OF MONEY.] If the action be upon a contract, express or implied, but not in writing, for the payment of money, the statement shall specify on what account the money is claimed to be due, with such particulars as may appear to be reasonably necessary to inform the defendant of the nature and extent of the plaintiff's demand.

14 *Second*—CONTRACT IN WRITING FOR PAYMENT OF MONEY.] If the action be
 15 upon a negotiable instrument or other contract in writing for the payment of
 16 money, the statement shall contain a copy of such negotiable instrument or
 17 other contract in writing, or a specification of the date and name of the in-
 18 strument and such other particulars as will identify it.

19 *Third*—CONTRACT OTHER THAN FOR PAYMENT OF MONEY.] If the action be
 20 upon a contract other than one for the payment of money, the statement shall
 21 set forth the approximate date and substance of the contract, if it be not in
 22 writing, or, if it be in writing, a copy or such specification of the particulars
 23 thereof as will identify it, together with a specification of the breach there-
 24 of, and if special damages are claimed, the occasion thereof.

25 *Fourth*—INJURY TO REAL ESTATE.] If the action be for an injury to real
 26 estate the statement shall set forth a description of the real estate, the
 27 nature of the injury and the approximate date thereof.

28 *Fifth*—INJURY TO PERSONAL PROPERTY.] If the action be for an injury to
 29 personal property the statement shall set forth in general terms a description
 30 of the personal property injured, the nature of the injury and the approxi-
 31 mate date and place thereof, if the same be known to the plaintiff.

32 *Sixth*—LIBEL.] If the action be for a libel, the statement shall set forth
 33 the libelous publication, or so much thereof as the plaintiff claims to be libel-
 34 ous, and the approximate date and place of the publication thereof, and, if
 35 special damages be claimed, the occasion thereof.

36 *Seventh*—SLANDER.] If the action be for a slander, the statement shall set
 37 forth the slanderous words, the approximate date and place of the utterance
 38 thereof and, if special damages be claimed, the occasion thereof.

39 *Eighth*—MALICIOUS PROSECUTION.] If the action be for a malicious prosecu-
 40 tion, the statement shall set forth the title of the action in which the plaintiff
 41 claims to have been maliciously prosecuted, the dates of the commencement
 42 and termination thereof, the court or courts in which the same was prosecuted,

43 the acquittal of the plaintiff, and, if special damages be claimed, the occasion
44 thereof.

45 *Ninth*—INJURY TO PERSON OR PROPERTY THROUGH NEGLIGENCE.] If the action
46 be for an injury to the plaintiff's person or property, or both, through the
47 negligence of the defendant, the statement shall specify approximately the
48 date and place of the injury and that it was occasioned by the defendant's negli-
49 gence, and shall set forth upon what and by what means the injury was inflicted.

50 *Tenth*—DEATH BY WRONGFUL ACT, ETC.] If the action be for the death of
51 any person through the wrongful act, neglect or default of the defendant, the
52 statement shall set forth approximately the date and place of death and that
53 the same occurred through the wrongful act, neglect or default of the defend-
54 ant, and the names of the next kin.

55 *Eleventh*—OTHER TORT, OR STATUTORY LIABILITY.] If the action be for any
56 other tort than one of the kind above mentioned, or for any statutory liability,
57 the statement shall set forth in general terms the nature of the tort or statutory
58 liability and the approximate date and place of the act by which the statutory
59 liability was created.

60 *Twelfth*—FINE OR PENALTY FOR VIOLATING ORDINANCE.] If the action be for
61 a fine or penalty for the violation of a municipal ordinance, the statement
62 shall specify the particular provision or provisions thereof claimed to have
63 been violated by the defendant and approximately the date and place of such
64 violation.

65 *Thirteenth*—EJECTMENT.] If the action be ejectment, the statement shall
66 set forth a description of the premises and the title thereto claimed by the
67 plaintiff, and, if there be united with it a claim for money, the nature and
68 amount of such claim shall be stated.

69 *Fourteenth*—FORCIBLE DETAINER.] If the action be forcible detainer, it shall
70 describe the premises possession of which is sought to be recovered, and, if
71 there be united with it a claim for money, the nature and amount of such claim
72 shall be stated.

73 *Fifteenth*—SEVERAL CLAIMS.] When there are several claims which are au-
 74 thorized to be joined in one statement, the particulars of each, as above speci-
 75 fied, shall be stated.

76 *Sixteenth*—MISCELLANEOUS CASES.] When the action is upon a claim not in-
 77 cluded in those specified in the preceding fifteen clauses of this section, the
 78 statement shall set forth the general nature of the claim, the date and place,
 79 approximately, when it arose, and such other particulars analogous to those
 80 hereinbefore prescribed with respect to other actions as will reasonably inform
 81 the defendant of the general nature of the case he is called upon to defend.

Sec. 251. FORMS OF STATEMENTS OF CLAIMS.] The following forms of state-
 2 ments of claims shall be deemed to sufficiently comply with the provisions of
 3 the preceding section and shall be taken as furnishing suggestions from which
 4 other statements of claims may be properly framed:

5 A. ACTIONS ON CONTRACTS NOT IN WRITING.

6 1. GOODS SOLD AND DELIVERED.

7 Plaintiff's claim is for goods sold and delivered by plaintiff to defendant,
 8 to-wit:

9	Jan. 10, 1905, 1 bbl. flour.....	\$ 4.00
10	Jan. 15, 1905, 1 ton of hard coal.....	8.00
11		<hr/>
12	Total.....	\$12.00

13 (If partial payments on account have been made by the defendant, or
 14 the defendant is entitled to other credits, the dates and amounts thereof and
 15 the balance due plaintiff, after deducting credits, should be specified.)

16 2. LABOR AND SERVICES.

17 Plaintiff's claim is for labor and services furnished by plaintiff to de-
 18 fendant as follows, to-wit: ten days' work husking corn, commencing Nov. 1,
 19 1908, and ending Nov. 11, 1908, at \$2.50 per day, total \$25.

20 3. WORK AND MATERIALS.

21 Plaintiff's claim is for work performed for and materials furnished to
 22 defendant by plaintiff as follows, to-wit: two days' work as bricklayer build-

ing chimney on the premises known as 1806 Wabash avenue, Chicago, Nov. 1 and Nov. 3, 1908, at \$5 per day, and brick and other material therefor, \$8, total \$18.

4. BOARD AND LODGING.

Plaintiff's claim is for board and lodging furnished by plaintiff to defendant for ten days, commencing Nov. 1, 1908, and ending Nov. 10, 1908, at \$1 per day, total \$10.

5. HIRE OF HORSE AND CARRIAGE.

Plaintiff's claim is for the use and hire of plaintiff's horse and carriage by defendant on the first day of November, 1908. Amount claimed, \$4.

6. CARE AND KEEPING OF HORSES.

Plaintiff's claim is for the care and keeping by the plaintiff for the defendant of ten horses for ten days, commencing Nov. 1, 1908, and ending Nov. 10, 1908, at \$5 per day, total \$50.

7. PHYSICIAN'S AND SURGEON'S BILL.

Plaintiff's claim is for medical and surgical services rendered by plaintiff to defendant, as follows:

Nov. 1, 1908, visit and consultation	\$ 5.00
Nov. 2, 1908, visit and consultation	5.00
Nov. 3, 1908, operation for appendicitis.....	250.00
	<hr/>
Total.....	\$260.00

8. ATTORNEY'S BILL.

Plaintiff's claim is for professional services rendered by plaintiff as an attorney at law for the defendant in the case of John Doe v. Richard Roe, in the circuit court of Cook county, commenced Nov. 1, 1905, and ended Nov. 1, 1908. Amount claimed, \$500.

9. STORAGE OF GOODS.

Plaintiff's claim is for the storage by the plaintiff from Nov. 1, 1907, to Nov. 1, 1908, in the plaintiff's warehouse at No. 5 Wabash avenue, Chicago, Illinois, of 100 barrels of sugar at fifty cents per barrel, making in all \$50.

10. USE AND OCCUPATION.

Plaintiff's claim is for the use and occupation by the defendant from Nov. 1, 1905, to Nov. 1, 1908, of the premises known as flat No. 6 in the apart-

57 ment building at the southeast corner of 35th street and Wabash avenue, the
58 amount claimed being \$1,500.

59 11. WARRANTY.

60 Plaintiff's claim is for a warranty made by defendant on or about Nov. 1,
61 1907, to the plaintiff that a certain horse was sound. Amount claimed, \$75.

62 12. BREACH OF PROMISE OF MARRIAGE.

63 Plaintiff's claim is for the breach on or about Jan. 1, 1906, of a promise
64 made by the defendant to marry the plaintiff. Amount claimed, \$25,000.

65 13. INJURY TO PROPERTY HIRED.

66 Plaintiff's claim is for the injury by the defendant of a horse hired by
67 the defendant from the plaintiff on or about Nov. 1, 1907. Amount
68 claimed, \$50.

69 14. LOSS OF GOODS DELIVERED TO COMMON CARRIER.

70 Plaintiff's claim is for the loss of five barrels of sugar delivered by the
71 plaintiff to the defendant at Chicago, Illinois, on or about Nov. 1, 1907, to be
72 carried by the defendant. Amount claimed, \$40.

73 15. NON-ACCEPTANCE OF PROPERTY MADE FOR DEFENDANT.

74 Plaintiff's claim is for the refusal by the defendant on or about Nov. 1,
75 1907, to accept the following goods made by the plaintiff for the defendant, to-
76 wit: one lumber wagon, the contract price being \$50. Amount claimed, \$50.

77 16. NON-DELIVERY OF GOODS.

78 Plaintiff's claim is for the failure by the defendant to deliver on or about
79 Nov. 1, 1907, a lumber wagon purchased by plaintiff from the defendant.
80 Amount claimed, \$50.

81 17. GOODS SOLD TO THIRD PERSON.

82 Plaintiff's claim is for goods sold by plaintiff to John Smith at defend-
83 ant's request, as follows:

84	Jan. 1, 1905, 1 barrel of flour	\$ 4.00
85	Jan. 15, 1905, 1 ton of hard coal.....	8.00
86		<hr/>
87	Total.....	\$12.00

B. ACTIONS ON CONTRACTS IN WRITING.

1. PROMISSORY NOTE.

Plaintiff's claim is for \$1,075, being the amount due him as indorsee against the defendant as maker of a promissory note, of which and of the indorsements thereon the following is a copy:

CHICAGO, ILLINOIS, January 2, 1907.

Ninety days after date for value received I promise to pay to the order of John Smith, at the Commercial National Bank of Chicago, the sum of one thousand dollars, with interest thereon at the rate of six per cent per annum.

Indorsed: John Smith.

RICHARD ROE.

(In lieu of the foregoing the following will suffice:)

Plaintiff's claim is for \$1,075, being the amount due him as indorsee against the defendant as maker of a promissory note for \$1,000, dated Jan. 2, 1907, made by the defendant at Chicago, Illinois, and payable to the order of John Smith three months after date, at the Commercial National Bank of Chicago, with interest at the rate of six per cent. per annum, and by John Smith indorsed.

(If there are several defendants who are severally liable but who may be sued together, the form of the above statements of claims should be varied accordingly. The first of said forms may then read as follows:)

Plaintiff's claim is for \$1,075, being the amount due him as indorsee against the defendant Richard Roe as maker and against the defendant John Smith as indorser of a promissory note of which and of the indorsements thereon the following is a copy:

(Here insert copy of note and of the indorsements thereon.)

2. LEASE OF REAL ESTATE.

Plaintiff's claim is as lessor against defendant as lessee for \$200, being rent due plaintiff from defendant under a lease in writing between plaintiff and defendant, dated April 30, 1907, and leasing to defendant for two years from that date at a rental of \$25 per month, payable monthly in advance on the first day of each month, the premises known as 6800 Wabash Avenue, Chicago, Illinois.

120 (In lieu of the foregoing the following form may be used:)

121 Plaintiff's claim is as lessor against defendant as lessee for \$200, being
122 rent due from defendant to plaintiff under a lease of which the following is
123 a copy:

124 (Here insert copy of lease.)

125 3. POLICY OF LIFE INSURANCE.

126 Plaintiff's claim is against defendant as insurer by plaintiff as benefi-
127 cary in a life insurance policy issued by the defendant numbered 249789,
128 dated Jan. 2, 1905, for the amount of \$10,000, insuring the life of William
129 Doe, who died on or about Jan. 17, 1908. Amount claimed, \$12,000.

130 (In lieu of the foregoing the following will suffice:)

131 Plaintiff's claim is against defendant as insurer by plaintiff as beneficiary
132 in a life insurance policy of which the following is a copy:

133 (Here insert copy of policy.)

134 The liability of the defendant is on account of the death of the insured
135 William Doe on or about Jan. 17, 1908. Amount claimed, \$12,000.

136 4. POLICY OF FIRE INSURANCE.

137 Plaintiff's claim is as insured against the defendant as insurer in a fire
138 insurance policy numbered 4726, dated July 1, 1907, for the sum of \$2,000, issued
139 by the defendant, insuring plaintiff's household furniture at 3917 Wabash
140 Avenue, Chicago, Illinois.

141 The liability of defendant is on account of a fire occurring on the 17th
142 day of January, 1908. Amount claimed, \$1,500.

143 (In lieu of the foregoing the following will suffice:)

144 Plaintiff's claim is as insured against defendant as insurer in a fire insur-
145 ance policy of which the following is a copy:

146 (Here insert copy.)

147 The liability of defendant is on account of a fire occurring on the 17th
148 day of January, 1908. Amount claimed, \$1,500.

149 5. SPECIAL CONTRACT IN WRITING.

150 Plaintiff's claim is for the breach by the defendant of a contract in writ-
151 ing executed by the plaintiff and the defendant at Chicago, Illinois, on the 2d
152 day of January, 1907, by the terms of which the defendant was required
153 to deliver to the plaintiff free on board the cars at Pittsburg, Pa., on or be-

154 fore the first day of March, 1907, 2,000 tons of structural steel, the breach
 155 consisting in the non-delivery by the defendant of the steel as stipulated in
 156 the contract. The damages of plaintiff are \$2,000, being extra price paid by
 157 plaintiff for steel to replace that contracted for, and \$1,000 special damages
 158 through delay occasioned to plaintiff in fulfilling contract for erection of
 159 building at No. 1400 Wabash Ave., Chicago, Illinois. Total damages claimed,
 160 \$3,000.

161 (In lieu of the foregoing the following will suffice:)

162 Plaintiff's claim is for the breach by the defendant of a contract in writ-
 163 ing of which the following is a copy:

164 (Here insert copy.)

165 The breach sued for consists in the non-delivery by the defendant of the
 166 steel as stipulated in the contract. The damages of plaintiff are \$2,000, being
 167 extra price paid by plaintiff for steel to replace that contracted for, and \$1,000
 168 special damages through delay occasioned to defendant in fulfilling contract
 169 for erection of building at No. 1400 Wabash Avenue, Chicago, Illinois. Total
 170 damages claimed, \$3,000.

171 6. JUDGMENT RECOVERED.

172 Plaintiff's claim is for a judgment recovered by plaintiff against defendant
 173 on the 2d day of January, 1891, in the circuit court of Cook county, Illinois,
 174 for \$10,000 and costs of suit, in case general number 85767 in said court.
 175 Amount claimed, \$15,000.

176 7. REVIVAL OF JUDGMENT.

177 Plaintiff's claim is for the revival of a judgment for \$1,000, entered by
 178 the circuit court of Cook county in favor of plaintiff and against defendant on
 179 the 2d day of January, 1900, in case general number 146219, the amount due
 180 thereon being \$500 with interest at the rate of five per cent. per annum from
 181 January 2, 1900. Amount claimed, \$800.

182 8. APPEAL BOND.

183 Plaintiff's claim is upon an appeal bond in the penal sum of \$10,000,
 184 dated Jan. 2, 1907, executed by defendants in the case of John Doe v. Richard
 185 Roe, in the circuit court of Cook county, Illinois, being case general number
 186 92116, upon an appeal to the appellate court of the first district from a judg-
 187 ment of said circuit court in favor of the plaintiff and against the defendant

188 for \$8,000 and costs of suit, the breach being the non-payment of the judgment
189 and costs mentioned in the bond. Amount claimed \$6,000.

190 (In lieu of the foregoing the following will suffice:)

191 The plaintiff's claim is on an appeal bond of which the following is a copy:

192 (Here insert copy.)

193 The breach sued for is the non-payment by the defendant of the amount
194 of the judgment and costs mentioned in the bond. Amount claimed \$6,000.

195 9. ATTACHMENT BOND.

196 Plaintiff's claim is upon an attachment bond in the penal sum of \$10,000,
197 dated Jan. 2, 1907, executed by the defendants in the case of Richard Roe v.
198 John Doe, being case general number 254379, in the circuit court of Cook
199 county, the breach being the failure of the defendant Richard Roe to prosecute
200 his suit with effect, and also the non-payment of the costs of suit and the damages
201 awarded for wrongfully suing out the attachment. Amount claimed \$5,000.

202 (In lieu of the foregoing the following will suffice:)

203 Plaintiff's claim is on an attachment bond of which the following is a copy:

204 (Here insert copy.)

205 The breach sued for is the failure of the defendant Richard Roe to prose-
206 cute his attachment suit with effect, and also his failure to pay and satisfy the
207 plaintiff the damages awarded for wrongfully suing out the attachment.
208 Amount claimed \$5,000.

209 10. FORTHCOMING BOND.

210 Plaintiff's claim is upon a forthcoming bond in the penal sum of \$10,000,
211 dated Jan. 2, 1907, executed by the defendant in the case of John Doe v. Richard
212 Roe in the circuit court of Cook county, Illinois, being case general number 92347,
213 the breach being the failure of defendant Richard Roe to surrender the property
214 attached to answer the judgment for \$8,000 rendered by said court in said suit
215 against said Richard Roe March 4, 1907. Amount claimed \$4,000.

216 (In lieu of the foregoing the following will suffice:)

217 Plaintiff's claim is upon a forthcoming bond of which the following is a copy:

218 (Here insert copy.)

219 The breach sued for is the failure of the defendant Richard Roe to surren-
220 der the property attached to answer the judgment for \$8,000 rendered by said
221 court in said suit against said Richard Roe March 4, 1907. Amount claimed
222 \$4,000.

223 11. SURETY BOND.

224 Plaintiff's claim is upon a surety bond in the penal sum of \$10,000, dated
225 Jan. 2, 1907, and numbered 94246, executed by defendants for and on behalf of
226 the defendant Richard Roe, the breach being non-payment of moneys of the
227 plaintiff wrongfully converted by the defendant Richard Roe at divers times
228 between Jan. 1, 1907, and Jan 2, 1908. Amount claimed \$3,500.

229 (In lieu of the foregoing the following will suffice:)

230 Plaintiff's claim is upon a surety bond of which the following is a copy:

231 (Here insert copy.)

232 The breach sued for is the non-payment of moneys of the plaintiff wrong-
233 fully converted by the defendant Richard Roe at divers times between Jan. 2,
234 1907, and Jan. 2, 1908. Amount claimed \$2,500.

235 C. ACTIONS FOR TORTS, OTHER THAN ACTIONS OF REPLEVIN AND ACTIONS FOR
236 THE TRIAL OF THE RIGHT OF PROPERTY.

237 1. MALICIOUS PROSECUTION.

238 Plaintiff's claim is for being maliciously prosecuted by defendant on a
239 charge of larceny through indictment in the criminal court of Cook county,
240 being case general number 64822, the prosecution being terminated March 1,
241 1907. Amount claimed \$5,000.

242 2. FALSE IMPRISONMENT.

243 Plaintiff's claim is for being falsely imprisoned by defendant from Jan.
244 2, 1907, to Jan. 5, 1907, in Cook county, Illinois, without due process of law.
245 Amount claimed \$10,000.

246 3. ASSAULT AND BATTERY.

247 Plaintiff's claim is for an assault and battery committed by defendant on
248 plaintiff in Wabash avenue near Madison street on or about Jan. 1, 1907.
249 Amount claimed \$15,000.

250 4. SLANDER.

251 Plaintiff's claim is for slander uttered by defendant in Cook county on or
252 about Jan. 1, 1907, consisting of the following words, to-wit: "He (i. e., the
253 plaintiff) is a thief." Plaintiff claims special damages because of discharge
254 from employment by John Smith on or about Feb. 1, 1907, because of said
255 slander. Amount claimed \$10,000.

256 5. LIBEL.

257 Plaintiff's claim is for the following libelous publication made in Cook
 258 county on or about January 1, 1907, by the defendant: "Richard Roe, who is
 259 carrying on business as a practicing lawyer, is a shyster and incompetent to
 260 properly transact business." Amount claimed \$20,000.

261 6. KEEPING MISCHIEVOUS ANIMALS.

262 Plaintiff's claim is for the keeping by the defendant of a dog known to be
 263 vicious, which bit the plaintiff on or about Jan. 1, 1907. Amount claimed
 264 \$2,000.

265 7. CRIMINAL CONVERSATION.

266 Plaintiff's claim against defendant is for criminal conversation with plain-
 267 tiff's wife on or about Jan. 1, 1907. Amount claimed \$25,000.

268 8. CONVERSION OF PERSONAL PROPERTY.

269 Plaintiff's claim is for the conversion by the defendant on or about Jan.
 270 1, 1907, of personal property of the plaintiff, consisting of a horse and wagon.
 271 Amount claimed \$250.

272 9. SELLER OF LIQUOR.

273 Plaintiff's claim is for selling liquor from about Jan. 1, 1907, to about
 274 March 1, 1907, by defendant to plaintiff's husband, John Doe, resulting in
 275 plaintiff's injury in her person, property and means of support. Amount
 276 claimed \$2,000.

277 10. LESSOR OF SELLER OF LIQUOR.

278 Plaintiff's claim is for selling liquor from about Jan. 1, 1907, to about
 279 March 1, 1907, by defendant's lessor, Richard Roe, to plaintiff's husband, John
 280 Doe, resulting in plaintiff's injury in her person, property and means of sup-
 281 port. Amount claimed \$2,000.

282 11. SELLER AND LESSOR OF SELLER OF LIQUOR.

283 Plaintiff's claim is against defendant Richard Roe, as lessee, and defend-
 284 ant John Smith, as lessor, for selling liquor from about Jan. 1, 1907, to about
 285 March 1, 1907, by said Richard Roe to plaintiff's husband, John Doe, resulting
 286 in the death of said John Doe, causing injury to plaintiff in her person, prop-
 287 erty and means of support. Amount claimed \$10,000.

288 12. VIOLATION OF MINING LAW RESULTING IN INJURY OF PLAINTIFF.

289 Plaintiff's claim is for defendant's failure to keep a passageway in defend-
290 ant's coal mine in safe condition, resulting in plaintiff's injury on or about
291 Jan. 1, 1907. Amount claimed \$15,000.

292 13. VIOLATION OF MINING LAW RESULTING IN DEATH OF PLAINTIFF'S INTESTATE

293 Plaintiff's claim is for defendant's failure to keep a passageway in defend-
294 ant's coal mine in safe condition, resulting in death of plaintiff's intestate on or
295 about Jan. 1, 1907, leaving Mary Doe and Henry Doe as next of kin. Amount
296 claimed \$10,000.

297 14. VIOLATION OF FIRE-ESCAPE ACT RESULTING IN INJURY TO PLAINTIFF.

298 Plaintiff's claim is for defendant's failure to provide fire-escapes on de-
299 fendant's building No. 150 Madison Street, resulting in plaintiff's injury on
300 or about Jan. 1, 1907. Amount claimed \$5,000.

301 15. VIOLATION OF FIRE-ESCAPE ACT RESULTING IN DEATH OF PLAINTIFF'S INTES-
302 TATE.

303 Plaintiff's claim is for defendant's failure to provide fire-escapes on de-
304 fendant's building No. 150 Madison Street, resulting in the death of plaintiff's
305 intestate on or about Jan. 1, 1907, leaving Mary Doe and Henry Doe as next
306 of kin. Amount claimed \$10,000.

307 16. PROPELLING STEAM ENGINE ON PUBLIC HIGHWAY.

308 Plaintiff's claim is against defendant for injuries to his person caused by
309 defendant's propelling a steam engine upon Madison street near State
310 street in Chicago, on or about Jan. 1, 1907, in violation of the act entitled "An
311 Act to protect persons and property from steam engines on public highways,"
312 in force July 1, 1885. Amount claimed \$5,000.

313 17. VIOLATION OF MOTOR VEHICLE LAW.

314 Plaintiff's claim is against defendant for personal injuries received by
315 plaintiff in Madison street near State street in Chicago on or about Dec. 1, 1907,
316 through defendant's propelling an automobile in violation of the act known as
317 the Motor Vehicle Law, approved May 28, 1907. Amount claimed \$10,000.

318 18. UNLAWFULLY OBSTRUCTING A HIGHWAY.

319 Plaintiff's claim is against defendant for injuries to his person received
320 in State street near Madison street, Chicago, on or about Jan. 1, 1907, through

the obstructing by the defendant of the highway in violation of the act entitled
 "An Act concerning travel upon public highways," in force July 1, 1895.
 Amount claimed \$2,000.

19. INJURY BY COLLISION WITH STREET CAR.

Plaintiff's claim is for injuries to his horse and wagon occurring on or
 about Jan. 1, 1907, in State street at or near its intersection with Madison
 street, Chicago, by collision with defendant's trolley car because of defend-
 ant's negligence. Amount claimed \$250.

20. INJURY TO PASSENGER BY COLLISION OF CARS.

Plaintiff's claim is for an injury to his person received on or about Jan.
 1, 1907, while a passenger on defendant's railway car on the way from Chicago
 to Milwaukee, through a collision of cars occasioned by defendant's negli-
 gence. Amount claimed \$20,000.

21. INJURY TO PASSENGER ABOUT TO ENTER STREET CAR.

Plaintiff's claim is for injuries to his person received about Jan. 1, 1907,
 while about to enter defendant's street car in State street near Madison street,
 Chicago, caused by the sudden starting of the car through defendant's negli-
 gence. Amount claimed \$15,000.

22. INJURY TO PASSENGER ABOUT TO ALIGHT FROM STREET CAR.

Plaintiff's claim is for an injury to his person received on or about Jan. 1,
 1907, in State street near Madison street, Chicago, while about to alight from
 defendant's street car, caused by the sudden starting of the car through de-
 fendant's negligence. Amount claimed \$10,000.

23. INJURY TO EMPLOYEE BY MACHINERY.

Plaintiff's claim is for the loss of his right hand on or about Jan. 1, 1907,
 by means of a cutting machine in defendant's factory in Randolph street and
 Fifth avenue, Chicago, occasioned by defendant's negligence. Amount claimed
 \$15,000.

24. LOSS OF GOODS BY INNKEEPER.

Plaintiff's claim is against defendant as an innkeeper for the loss of one
 suit of clothes on or about Jan. 2, 1907. Amount claimed \$100.

25. NEGLIGENCE OF ATTORNEY IN CONDUCTING CASE.

Plaintiff's claim is against defendant as an attorney for negligence in con-
 ducting the case of John Doe v. Richard Roe, Tort, No. 1750, in the circuit court

355 of Cook county, from about July 1, 1909, to about July 1, 1911. Amount claimed
356 \$5,000.

357 26. NEGLIGENCE OF ATTORNEY IN GIVING ADVICE.

358 Plaintiff's claim is against defendant as an attorney for negligence in ad-
359 vising plaintiff on or about Jan. 2, 1907, in respect to a certain contract be-
360 tween John Doe and Richard Roe. Amount claimed \$500.

361 27. NEGLIGENCE OF ATTORNEY IN EXAMINING TITLE.

362 Plaintiff's claim is against defendant as an attorney for negligence on or
363 about Jan. 1, 1907, in examining the title to lot two in block 7 in the city of
364 Joliet. Amount claimed \$2,000.

365 28. NEGLIGENCE OF SHERIFF AS TO SUMMONS.

366 Plaintiff's claim is against defendant as sheriff for negligence on or about
367 Jan. 1, 1910, in respect to the service of a summons upon Richard Roe in the
368 case of John Doe v. Richard Roe, Contract, No. 1780, in the circuit court of
369 Cook county. Amount claimed \$1,000.

370 29. NEGLIGENCE OF SHERIFF AS TO EXECUTION.

371 Plaintiff's claim is against defendant as sheriff for negligence on or about
372 Jan. 1, 1910, in respect to the service and levy of an execution issued in the case
373 of John Doe v. Richard Roe, Contract, No. 250, in the circuit court of Cook
374 county. Amount claimed \$500.

375 30. MALPRACTICE OF PHYSICIAN.

376 Plaintiff's claim is against defendant as a physician for negligence in treat-
377 ing the plaintiff from about the first day of January, 1909, to the first day of
378 February, 1909. Amount claimed \$5,000

379 31. MALPRACTICE OF SURGEON.

380 Plaintiff's claim is against defendant as a surgeon for negligence in per-
381 forming a surgical operation for appendicitis upon plaintiff on or about the
382 10th day of March, 1909. Amount claimed \$10,000.

383 32. NEGLIGENCE OF LANDLORD.

384 Plaintiff's claim is against defendant as plaintiff's landlord for negligently
385 failing to keep the premises known as 1400 State street, Chicago, Illinois, from
386 Jan. 1, 1909, to about February 1, 1909, in proper condition, resulting in injury
387 to plaintiff's health. Amount claimed \$5,000.

388 33. NEGLIGENCE OF OCCUPANT OF PREMISES.

389 Plaintiff's claim is against defendant as occupant of the premises known
390 as No. 2876 Wabash avenue, Chicago, for negligently failing to keep the same
391 in proper condition from about Jan. 1, 1909, to about Feb. 1, 1909, resulting in
392 plaintiff's injury. Amount claimed \$500.

393 34. NEGLIGENCE OF BAILEE OF PERSONAL PROPERTY.

394 Plaintiff's claim is against defendant as bailee for damages for injuries to
395 a wagon intrusted by plaintiff to defendant as bailee, said injuries being occa-
396 sioned through defendant's negligence. Amount claimed \$50.

397 35. EXPLOSION OF BOILER.

398 Plaintiff's claim is against defendant for injuries to his person received on
399 or about Jan 1, 1909, through the explosion of a boiler at No. 150 Madison
400 street, Chicago, occasioned by defendant's negligence. Amount claimed \$10,000.

401 36. INJURY THROUGH UNSAFE MACHINERY.

402 Plaintiff's claim is against defendant for personal injuries received by
403 plaintiff at No. 150 Madison street, Chicago, on or about Jan. 1, 1909, through
404 the negligence of defendant in having unsafe machinery. Amount claimed
405 \$5,000.

406 37. INJURY BY AN ELEVATOR.

407 Plaintiff's claim is against defendant for personal injuries received by
408 plaintiff's intestate on or about Jan. 1, 1908, at No. 150 Madison street, Chicago,
409 by an elevator, said injuries being occasioned by defendant's negligence, and
410 resulting in the death of said intestate, the next of kin being Mary Roe and
411 Henry Roe. Amount claimed \$10,000.

412 38. INJURY THROUGH A DEFECTIVE SIDEWALK.

413 Plaintiff's claim is against defendant for personal injuries received by
414 plaintiff on or about Jan. 1, 1909, in Madison street near State street because
415 of the defective condition of a sidewalk through defendant's negligence.
416 Amount claimed \$5,000.

D. STATUTORY LIABILITIES.

417

418 1. FAILURE OF SHERIFF TO TAKE FORTHCOMING BOND.

419 Plaintiff's claim is against defendant as sheriff for failure to take a forth-
 420 coming bond on or about Jan. 1, 1907, in the case of John Smith v. John Jones,
 421 Attachment, No. 750, in the circuit court of Cook county. Amount claimed
 422 \$3,500.

423 2. TAKING BY SHERIFF OF INSUFFICIENT FORTHCOMING BOND.

424 Plaintiff's claim is against defendant as sheriff for taking an insufficient
 425 forthcoming bond on or about Jan. 1, 1907, in the case of John Smith v. John
 426 Jones, Attachment, No. 750, in the circuit court of Cook county. Amount
 427 claimed \$3,500.

428 3. UNPAID SUBSCRIPTION TO STOCK.

429 Plaintiff's claim is against defendant on a subscription made on or about
 430 the first day of January, 1907, for fifty shares of the capital stock of the Peer-
 431 less Motor Company. Amount claimed \$5,000.

432 4. LIABILITY OF DIRECTORS OF CORPORATION.

433 Plaintiff's claim is against defendant as director of the Peerless Motor
 434 Company, under section 16 of chapter 32 of the Revised Statutes, the plaintiff
 435 being a creditor of said corporation to the amount of \$1,000 and interest from
 436 Jan. 1, 1907, at six per cent per annum, his claim against the corporation being
 437 a promisory note executed to him by the corporation for the sum of \$1,000,
 438 dated Jan 1, 1907, payable one year after date with interest at the rate of six
 439 per cent per annum. Amount claimed \$1,500.

440 5. RECOVERY OF MONEY LOST BY GAMBLING.

441 Plaintiff's claim is for money lost by plaintiff to the defendant in gambling
 442 with cards on or about Jan. 1, 1907. Amount claimed \$750.

443 6. RECOVERY OF TREBLE AMOUNT OF MONEY LOST IN GAMBLING.

444 Plaintiff's claim is for treble the amount of money lost by John Smith to
 445 the defendant by gambling on the Board of Trade in wheat and corn on divers
 446 dates between Jan. 1, 1907, and March 1, 1907. Amount claimed \$15,000.

447 7. VIOLATION OF CIVIL RIGHTS LAW.

448 Plaintiff's claim is against defendant as keeper of the Auditorium Annex
449 for denying plaintiff the full equal enjoyment allowed other persons of the priv-
450 iliges of said Auditorium Annex on or about Jan. 1, 1908. Amount claimed
451 \$1,000.

452 8. VIOLATION OF RAILROAD AND WAREHOUSE ACT BY EXTORTION.

453 Plaintiff's claim is to recover treble damages with costs and attorney's
454 fees for extortionate charges made by defendant to plaintiff, being the sum of
455 \$100 on or about Jan 1, 1908, upon a carload of horses shipped by plaintiff
456 through defendant from Chicago, Illinois, to Kansas City, Missouri. Amount
457 claimed \$400.

458 E. ACTION TO RECOVER FINES OR PENALTIES FOR THE VIOLATION OF MUNICIPAL
459 ORDINANCES.

460 1. VIOLATION OF ORDINANCE AGAINST DISORDERLY CONDUCT.

461 Plaintiff's claim is for a penalty for a violation, on or about Jan. 1, 1907,
462 by defendant of section 1454 of the Municipal Code of Chicago, in that de-
463 fendant was an idle and dissolute person and went about begging. Amount
464 claimed \$100.

465 2. VIOLATION OF PAWNBROKER ORDINANCE.

466 Plaintiff's claim is for a penalty for a violation on or about Jan. 2, 1907,
467 by defendant, of section 1574 of the Municipal Code of Chicago, in that de-
468 fendant carried on the business of a pawnbroker without a license. Amount
469 claimed \$100.

470 F. ACTIONS FOR THE RECOVERY OF REAL PROPERTY.

471 1. FORCIBLE DETAINER.

472 Plaintiff's claim is for possession of the premises known as lot one in block
473 two in the city of Springfield wrongfully withheld by the defendant.

474 2. FORCIBLE DETAINER AND RENT OR DAMAGES.

475 Plaintiff's claim is for possession of the premises known as lot one in block
476 two in the city of Springfield wrongfully withheld by defendant and also \$500
477 rent (or damages, as the case may be).

478 3. EJECTMENT.

479 Plaintiff claims title in fee simple to an undivided one-half of lot 1 in block
480 two in the city of Springfield, Illinois.

481 4. EJECTMENT AND USE AND OCCUPATION.

482 Plaintiff claims title in fee simple to an undivided one-half of lot one in
483 block two in the city of Springfield, Illinois, and also \$500 for use and occupation.

484 G. ACTIONS ON SEVERAL CLAIMS.

485 1. ACTION BY ONE PLAINTIFF HAVING SEVERAL CLAIMS AGAINST THE DEFENDANT,
486 OR AGAINST SEVERAL DEFENDANTS JOINTLY.

487 Plaintiff's claims are as follows:

488 1. For labor and services furnished by defendant as follows, to-wit: ten
489 days' work husking corn, commencing November 1, 1908, and ending November
490 11, 1908, at \$2.50 per day or \$25 in all.

491 2. For the amount due plaintiff as indorsee by defendant as maker of a
492 promissory note for \$50 dated January 2, 1907, made by defendant at Chicago,
493 Illinois, and payable to the order of John Smith six months after date with in-
494 terest at the rate of six per cent per annum and by John Smith indorsed, the
495 amount being \$50 with interest at six per cent per annum from January 2, 1907.

496 2. ACTION BY SEVERAL PLAINTIFFS EACH HAVING SEPARATE CAUSES OF ACTION
497 AND THERE BEING QUESTIONS OF LAW OR FACT, OR BOTH, COMMON TO ALL OF SAID
498 CAUSES OF ACTION.

499 Plaintiffs' claims are separate claims of each plaintiff against the defend-
500 ant for moneys severally paid by the plaintiffs to the defendant for telephone
501 service in excess of the amounts the defendant was entitled to receive from the
502 plaintiffs, and there being questions of law and fact common to all of said claims.

503 The claim of plaintiff John Doe is for excess payments from about January
504 1, 1907, to about September 1, 1907, amounting to \$75.

505 The claim of plaintiff Henry Smith is for excess payments from about March
506 1, 1907, to about January 1, 1908, amounting to \$60.

507 The claim of plaintiff John Jones is for excess payment, from about July
508 1, 1907, to about July 1, 1908, amounting to \$100.

Sec. 252. FORMS OF PRAECIPES AND STATEMENTS OF CLAIMS, ETC.] The follow-

ing forms of praecipes and statements of claims and other papers filed there-
with shall be deemed to sufficiently comply with the provisions of this Act and
shall be taken as furnishing suggestions from which other similar papers may
be properly framed:

1. PRAECIPE FOR SUMMONS WITH DEMAND FOR TRIAL BY JURY, STATEMENT OF
CLAIM AND AFFIDAVIT OF CLAIM.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Contract. No. 217.
v.		
Richard Roe and William Roe		

PRAECIPE.

To the clerk of said court:

Please issue a summons requiring the appearance of the defendants on
Monday, the 24th day of February, 1908.

Plaintiff demands a trial by jury.

HENRY BROWN,
Attorney for Plaintiff,
927 Marquette Building, Chicago.

STATEMENT OF CLAIM.

Plaintiff's claim is for the amount due him as endorsee from defendants
as makers of a promissory note for \$1,000 dated January 2, 1907, made by the
defendants at Chicago, Illinois, and payable to the order of John Smith three
months after date at the Commercial National Bank of Chicago for value re-
ceived, with interest at the rate of six per cent per annum and by John Smith
endorsed. Amount claimed \$1,100.

HENRY BROWN,
Attorney for Plaintiff.

AFFIDAVIT OF CLAIM.

John Doe on his oath says that he is the plaintiff in the above entitled ac-
tion; that his claim is for the amount due upon the promisory note described
in the foregoing statement; that said promisory note was duly endorsed to

the plaintiff for value before maturity and that there is now due thereon from the defendants to the plaintiff, after allowing to the defendants all their just credits, deductions and set-offs, the sum of one thousand dollars (\$1,000) with interest thereon from the second day of January, 1908, at the rate of six per cent per annum.

JOHN DOE.

Subscribed and sworn to before me this 18th day of February, 1908.

JOHN SMITH, *Clerk*.

2. PRAECIPE FOR WRIT OF ATTACHMENT AND GARNISHEE SUMMONS WITH AFFIDAVIT FOR ATTACHMENT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Attachment. No. 214.
v.	
Richard Roe and William Roe.	

PRAECIPE.

To the clerk of said court:

Please issue a writ of attachment requiring the appearance of the defendants on Monday, the 30th day of March, 1908, and also a garnishee summons to Henry Jones for his appearance on the same date.

HENRY BROWN,

Attorney for Plaintiff,

927 Marquette Building, Chicago.

AFFIDAVIT FOR ATTACHMENT.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendants are indebted to him in the sum of one thousand and sixty-five dollars (\$1,065) on a promisory note for one thousand dollars (\$1,000), dated January 2, 1907, made by the defendants at Chicago, Illinois, and payable to the order of John Smith three months after date at the Commercial National Bank of Chicago, for value received, with interest at the rate of six per cent per annum, which said promisory note was duly endorsed to the plaintiff for value before maturity, after allowing to the defendants all their just credits, deductions and set-offs; that the defendants are not residents of

65 this State and that their respective places of residence are unknown to this af-
 66 fiant and upon diligent inquiry he has not been able to ascertain the same or
 67 either of them.

68 JOHN DOE.

69 Subscribed and sworn to before me this first day of February, 1908.

70 JOHN SMITH, *Clerk.*

71 INTERROGATORIES TO GARNISHEE.

72 1. What is your name, age, occupation and place of residence?

73 2. Are you acquainted with Richard Roe and William Roe or either of
 74 them, and if so how long have you been acquainted with each of them respect-
 75 ively?

76 3. Are you indebted in any manner to said Richard Roe, and if so in what
 77 amount and on what account are you so indebted to him, and when will such in-
 78 debtedness become due and payable?

79 4. Are you indebted in any manner to said William Roe, and if so in what
 80 amount and on what account are you so indebted to him, and when will such
 81 indebtedness become due and payable?

82 5. Have you in your possession, custody or charge any effects or estate of
 83 said Richard Roe, and if so, what effects or estate have you so in your posses-
 84 sion, custody or charge and what is the interest of said Richard Roe therein
 85 and what claim or claims have you or any other person than said Richard Roe
 86 to your knowledge upon the same or upon any portion thereof?

87 6. Have you in your possession, custody or charge any effects or estate of
 88 said William Roe, and if so, what effects or estate have you so in your posses-
 89 sion, custody or charge, and what is the interest of said William Roe therein
 90 and what claim or claims have you or any other person than said William Roe
 91 to your knowledge upon the same or upon any portion thereof?

92 NOTE.

93 Where the plaintiff elects that no personal property shall be seized by the
 94 officer under the writ the above form of praecipe may be varied from by adding
 95 thereto the following: "The plaintiff elects that personal property shall not
 96 be seized under the writ."

97 3. PRAECIPE FOR WRIT OF ATTACHMENT OF WATER CRAFT WITH AFFIDAVIT FOR
98 ATTACHMENT OF WATER CRAFT.

99 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

100	John Doe	}	Attachment of Water Craft. No. 27.
101	v.		
102	Owners of Steamship Manitou.		

103 PRAECIPE.

104 To the clerk of said court:

105 Please issue a writ of attachment of water craft requiring the appearance
106 of the defendants on Monday, the 30th day of March, 1908.

107 HENRY BROWN,
108 *Attorney for Plaintiff,*
109 927 Marquette Building, Chicago.

110 AFFIDAVIT FOR ATTACHMENT OF WATER CRAFT.

111 John Doe on his oath says that he is the plaintiff in the above entitled
112 action; that he has performed services as an engineer on board of the water
113 craft of above five tons burthen named "Steamship Manitou" from the second
114 day of January, 1908, until the 15th day of February, 1908, for which he is justly
115 entitled to the sum of sixty dollars (\$60), after allowing all just credits, de-
116 ductions and set-offs; that the name of the owner or owners of such water
117 craft or his or their places of residence is or are unknown to the plaintiff; and
118 that he has made inquiry and is unable to ascertain the same; and that the
119 plaintiff claims and is entitled to a lien upon said Steamship Manitou in pur-
120 suance of the statute of this State.

121 JOHN DOE.

122 Subscribed and sworn to before me this 18th day of February, 1908.

123 JOHN SMITH, *Clerk.*

124 4. PRAECIPE FOR SUMMONS IN DISTRESS FOR RENT WITH DISTRESS WARRANT AND
125 INVENTORY.

126 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

127	John Doe	}	Distress for Rent. No. 160.
128	v.		
129	Richard Roe.		

130 PRAECIPE.

131 To the clerk of said court:

132 Please issue a summons requiring the appearance of the defendant on Mon-
133 day, the 24th day of February, 1908.

134 HENRY BROWN,
135 *Attorney for Plaintiff,*
136 927 Marquette Building, Chicago.

COPY OF DISTRESS WARRANT.

To Henry Smith of Cook County, Illinois:

Distrain the goods and chattels of Richard Roe which are liable to be dis-
trained, wherever they may be found in the county of Cook and State of Illi-
nois, where the said Richard Roe resides, for the sum of one hundred dollars
(\$100), being two months' rent due me from the 15th day of February, 1908,
from the said Richard Roe for the premises now in his possession demised to
him by me and situated in said county.

Dated this 17th day of February, 1908.

JOHN DOE.

INVENTORY.

Inventory of the property of Richard Roe distrained by me on the 18th day
of February, 1908, in the county of Cook where the said Richard Roe resides,
by virtue of the warrant and authority and in behalf of John Doe, the land-
lord, for the sum of one hundred dollars (\$100), being two months' rent due
to said landlord on the 15th day of February, 1908, for the premises in the
warrant mentioned, the property so distrained being as follows:

(Here describe property distrained.)

HENRY SMITH.

5. PRAECIPE FOR WRIT OF REPLEVIN WITH AFFIDAVIT FOR REPLEVIN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe and William Doe, part-	} Replevin. No. 175.
ners in business as Doe	
Brothers,	
v.	
Richard Roe.	

PRAECIPE.

To the clerk of said court:

Please issue a writ of replevin requiring the appearance of the defendants
on Monday, the 24th day of February, A. D. 1908.

HENRY BROWN,

Attorney for Plaintiff,

927 Marquette Building, Chicago.

AFFIDAVIT FOR REPLEVIN.

John Doe on his oath says that he is one of the plaintiffs in the above
entitled action and that the plaintiffs are lawfully entitled to the possession
of the following described goods and chattels, to-wit: One bay horse about

173 six years old, with white star in forehead, and one roan horse about five
 174 years old, which horses are of the value of two hundred and fifty dol-
 175 lars (\$250) and no more; that the said property is wrongfully detained by
 176 the above named defendant, Richard Roe, and that the same has not been
 177 taken for any tax, assessment or fine levied by virtue of any law of this State
 178 against the property of the plaintiffs or against the plaintiffs individually, nor
 179 seized under any execution or attachment against the goods and chattels of
 180 the plaintiffs, nor held by virtue of any other writ of replevin issued in an
 181 action now pending and undetermined in any court of record of this State.

182 JOHN DOE.

183 Subscribed and sworn to before me this 18th day of February, 1908.

184 JOHN SMITH, *Clerk*.

185 6. PRAECIPE FOR SUMMONS IN TRIAL OF RIGHT OF PROPERTY WITH STATEMENT OF
 186 CLAIM.

187 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

188	John Doe	} Trial of right of property. No. 67.
189	v.	
190	Richard Roe and John Smith.	

191 PRAECIPE.

192 To the clerk of said court:

193 Please issue a summons requiring the appearance of the defendants on Mon-
 194 day, the 24th day of February, 1908.

195 HENRY BROWN,
 196 *Attorney for Plaintiff*.
 197 927 Marquette Building, Chicago.

198 STATEMENT OF CLAIM.

199 Plaintiff's claim is for one bay horse with white star in forehead levied
 200 upon by John Smith, as sheriff of Cook county, on or about February 17, 1908,
 201 under an execution in favor of Richard Roe and against Henry Jones for the
 202 sum of five hundred dollars (\$500) damages and five dollars (\$5) costs and
 203 issued out of the Circuit Court of Cook County Illinois, and dated February
 204 5, 1908.

205 HENRY BROWN,
 206 *Attorney for Plaintiff*.

207 7. PRAECIPE FOR SUMMONS IN FORCIBLE DETAINER WITH STATEMENT OF CLAIM.

208 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

209 John Doe
210 v.
211 Richard Roe. } Forcible Detainer. No. 48.

212 PRAECIPE.

213 To the clerk of said court:

214 Please issue a summons requiring the appearance of the defendant on Mon-
215 day, the 24th day of February, 1908.

216 HENRY BROWN,
217 *Attorney for Plaintiff.*
218 927 Marquette Building, Chicago.

219 STATEMENT OF CLAIM.

220 Plaintiff's claim is for possession of the premises known as lot one (1) in
221 block twenty-five (25) in the city of Chicago, wrongfully withheld by defendant.

222 HENRY BROWN,
223 *Attorney for Plaintiff.*

224 8. PRAECIPE FOR SUMMONS IN EJECTMENT AND STATEMENT OF CLAIM.

225 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

226 John Doe
227 v.
228 Richard Roe, William Roe and Jane } Ejectment. No. 197.
229 Roe.

230 PRAECIPE.

231 To the clerk of said court:

232 Please issue a summons requiring the appearance of the defendants on
233 Monday, the 24th day of February, 1908.

234 HENRY BROWN,
235 *Attorney for Plaintiff,*
236 927 Marquette Building, Chicago.

237 STATEMENT OF CLAIM.

238 Plaintiff claims title in fee simple to an undivided one-half of Lot one (1)
239 in Block two (2) in the city of Chicago Heights, Cook County, Illinois.

240 HENRY BROWN,
Attorney for Plaintiff.

241 9. PRAECIPE FOR SUMMONS IN REVIVAL OF JUDGMENT WITH STATEMENT OF
242 CLAIM.

243 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

244 John Doe	}	Revival of Judgment. No. 61.
245 v.		
246 Richard Roe.		

247 PRAECIPE.

248 To the clerk of said court:

249 Please issue a summons requiring the appearance of the defendant on Mon-
250 day, the 24th day of February, 1908.

251 HENRY BROWN,

252 *Attorney for Plaintiff.*

253 927 Marquette Building, Chicago.

254 STATEMENT OF CLAIM.

255 Plaintiff's claim is for the revival of a judgment for \$1,000 entered by the
256 circuit court of Cook county, in favor of plaintiff against defendant on the 2d
257 day of January, 1900, in case Gen. No. 146219, the amount due thereon being
258 \$500 with interest at the rate of five per cent per annum from January 2,
259 1900. Amount claimed \$800.

260 HENRY BROWN,

261 *Attorney for Plaintiff.*

262 10. PRAECIPE FOR SUMMONS IN QUASI CRIMINAL ACTION FOR FINE FOR VIOLA-
263 TION OF ORDINANCE WITH STATEMENT OF CLAIM.

264 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

265 City of Chicago	}	Quasi Criminal. No. 91.
266 v.		
267 Richard Roe		

268 PRAECIPE.

269 To the clerk of said court:

270 Please issue a summons requiring the appearance of the defendant on Mon-
271 day, the 24th day of February, 1908.

272 HENRY BROWN,

273 *Attorney for Plaintiff.*

274 927 Marquette Building, Chicago.

275

STATEMENT OF CLAIM.

276 Plaintiff's claim is for a penalty for a violation by defendant, on or about
 277 January 2, 1908, of section 1574 of the Municipal Code of Chicago, in that de-
 278 fendant carried on the business of a pawn broker without a license. Amount
 279 claimed \$100.

280

HENRY BROWN,

281

Attorney for Plaintiff.

282

11. PRAECIPE AND STATEMENT OF CLAIM IN CASE OF REFUSAL OF PARTY TO JOIN

283 AS PLAINTIFF.

284

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

285

John Doe

286

v.

287 Richard Roe and Henry Doe.

} Contract. No. 54.

288

PRAECIPE.

289 To the clerk of said court:

290 Please issue a summons requiring the appearance of the defendants on Mon-
 291 day, the 24th day of February, 1908.

292

HENRY BROWN,

293

Attorney for Plaintiff.

294

927 Marquette Building, Chicago.

295

STATEMENT OF CLAIM.

296 Plaintiff's claim is jointly with the defendant Henry Doe against the defend-
 297 ant Richard Roe for \$1,075, being the amount due plaintiff and said Henry
 298 Roe as payees from the defendant Richard Roe as maker of a promissory note
 299 for \$1,000 dated January 2, 1907, made by the defendant at Chicago, Illinois, and
 300 payable to the order of plaintiff and Henry Doe three months after date, at the
 301 Commercial National Bank of Chicago, with interest at the rate of six per cent
 302 per annum. Said Henry Doe refuses to join in the action.

303

HENRY BROWN,

304

Attorney for Plaintiff.

305 12. PRAECIPE FOR SUMMONS WITH STATEMENT OF CLAIM IN ACTION BY CO-PART-
 306 NERSHIP IN FIRM NAME AGAINST OTHER CO-PARTNERSHIP IN FIRM NAME.

307 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

308 John Doe & Co., a co-partnership
 309 v.
 310 Richard Roe & Co., a co-partnership. } Contract. No. 81.

311 PRAECIPE.

312 To the clerk of said court:

313 Please issue a summons requiring the appearance of the defendants on
 314 Monday, the 24th day of February, 1908.

315 HENRY BROWN,
 316 *Attorney for Plaintiff.*
 317 927 Marquette Building, Chicago.

318 STATEMENT OF CLAIM.

319 Plaintiff's claim is for the storage by the defendants from November 1,
 320 1907, to November 1, 1908, in the plaintiff's warehouse at No 5, Wabash Avenue.
 321 Chicago, Illinois, of one hundred barrels of sugar at fifty cents per barrel mak-
 322 ing in all \$50.

323 HENRY BROWN,
 324 *Attorney for Plaintiff.*

325 NOTE.

326 When the names of the co-partners are specified the title of the action may
 327 be as follows:

328 John Doe & Co., a co-partnership com-
 329 posed of John Doe and Henry Doe,
 330 v.
 331 Richard Roe & Co., a co-partnership
 332 composed of Richard Roe and Wil-
 333 liam Roe. } Contract. No. 81.

334 13. PRAECIPE FOR SUMMONS WITH STATEMENT OF CLAIM IN ACTION BROUGHT BY
335 ASSIGNEE.

336 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

337 John Doe,
338 v. } Contract. No. 17.
339 Richard Roe and John Smith.

340 PRAECIPE.

341 To the clerk of said court:

342 Please issue a summons requiring the appearance of the defendants on Mon-
343 day, the 24th day of February, 1908.

344 HENRY BROWN,
345 *Attorney for Plaintiff.*
346 927 Marquette Building, Chicago.

347 STATEMENT OF CLAIM.

348 Plaintiff's claim is against the defendant Richard Roe for the care and
349 keeping by the defendant John Smith for the defendant Richard Roe of ten
350 horses for ten days commencing November 1, 1907, and ending November 10,
351 1907, at \$5 per day, total \$50, plaintiff being assignee of John Smith by assign-
352 ment on December 1, 1907.

353 HENRY BROWN,
354 *Attorney for Plaintiff.*

355 14. PRAECIPE FOR SUMMONS WITH STATEMENT OF CLAIMS IN ACTION BROUGHT
356 FOR SEVERAL CLAIMS.

357 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

358 John Doe
359 v. } Contract. No. 600.
360 Richard Roe.

361 PRAECIPE.

362 To the clerk of said court:

363 Please issue a summons requiring the appearance of the defendant on Mon-
364 day, the 24th day of February, 1908.

365 HENRY BROWN,
366 *Attorney for Plaintiff.*
367 927 Marquette Building, Chicago.

STATEMENT OF CLAIMS.

368

369 Plaintiff's claims are as follows:

370 1. For the use and occupation by the defendant from November 1, 1905, to
 371 November 1, 1908, of the premises known as Flat No. 6 in the apartment build-
 372 ing at the southeast corner of 35th street and Wabash avenue, the amount
 373 claimed being \$1,500.

374 2. For the amount due him as endorsee against the defendant as maker
 375 of a promissory note for \$1,000, dated January 2, 1907, made by the defendant
 376 at Chicago, Illinois, and payable to the order of John Smith three months after
 377 date at the Commercial National Bank of Chicago, with interest at the rate of
 378 six per cent per annum and by John Smith endorsed, the amount claimed being
 379 \$1,075.

380 3. For a judgment recovered by plaintiff against defendant on the second
 381 day of January, 1891, in the circuit court of Cook county, Illinois, for \$10,000
 382 and costs of suit in case Gen. No. 85,767 in said court, the amount claimed be-
 383 ing \$15,000.

384 4. For the conversion by the defendant on or about January 1, 1907, of
 385 personal property of the plaintiff consisting of a horse and wagon, the amount
 386 being \$250.

387

HENRY BROWN,

388

Attorney for Plaintiff.

389 15. PRAECIPE FOR SUMMONS WITH STATEMENT OF CLAIMS IN ACTION BROUGHT
 390 BY SEVERAL PLAINTIFFS HAVING SEPARATE CLAIMS AGAINST THE SAME DEFENDANT.

391 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

392 Jane Doe, as administratrix of the	} Tort. No. 700.
393 estate of John Doe, deceased, Mary	
394 Jones, as administratrix of the	
395 estate of Henry Jones, deceased,	
396 and Ellen Brown, as administratrix	
397 of the estate of William Brown, de-	
398 ceased,	

399

v.

400 The Chicago, Milwaukee and St. Paul
 401 Coal Company.

402

PRAECIPE.

403 To the clerk of said court:

404 Please issue a summons requiring the appearance of the defendant on Mon-
 405 day, the 24th day of February, 1908.

406

JOHN SMITH,

407

Attorney for Plaintiffs.

408

1217 First Nat. Bank Bldg., Chicago.

STATEMENT OF CLAIMS.

409

410 Plaintiffs' claims are separate claims of each plaintiff against the defend-
 411 ant for personal injuries received by their respective intestates on or about Jan-
 412 uary 1, 1908, at the coal mine of defendant in Bureau county, Illinois, said in-
 413 juries being occasioned by defendant's negligence and resulting in the deaths of
 414 said intestates and each of them, and there being questions of law and fact
 415 common to all of said claims.

416 The next of kin of John Doe are Jane Doe and Henry Doe, and the amount
 417 of their claim is \$10,000.

418 The next of kin of Henry Jones are Mary Jones and William Jones and
 419 the amount of their claim is \$10,000.

420 The next of kin of William Brown are Ellen Brown and John Brown, and
 421 the amount of their claim is \$10,000.

422

JOHN SMITH,

423

Attorney for Plaintiff.

Sec. 253. MOTION AND AFFIDAVIT IN ABATEMENT—SPECIFICATION OF DEFENSES.]

2 The defendant in any action at law, other than an action of mandamus, an action
 3 of habeas corpus, an action of quo warranto, an action of certiorari, an action of
 4 contempt, a quasi criminal action commenced by warrant, or a criminal action,
 5 shall, at the time he enters his appearance, file with the clerk either a motion for
 6 an abatement of the action and an affidavit in support thereof, either with or
 7 without a specification, in an abbreviated form, of his defense or defenses, if any,
 8 to the action, or a specification, in an abbreviated form, of his defense or de-
 9 fenses to the action without such motion and affidavit, and shall, at the same
 10 time, deliver or cause to be delivered a copy of such motion in abatement, affi-
 11 davit and specification, if any, of his defense or defenses, or a copy of his
 12 specification of defense or defenses without such motion and affidavit, as the case
 13 may be, to the plaintiff or to the plaintiff's attorney. Such motion in abate-
 14 ment, affidavit and specification, if any, of defense or defenses, or specification
 15 of defense or defenses without such motion and affidavit, as the case may be,
 16 shall be written upon the same sheet of paper with the appearance when practi-

17 cable, and, when that is impracticable, they shall be fastened together and filed
18 as one paper.

Sec. 254. MOTION IN ABATEMENT TO BE ACCOMPANIED BY AFFIDAVIT—WHEN AC-
2 TION NOT TO ABATE—FORM.] Every motion for an abatement of the action shall
3 be in writing and shall be accompanied by an affidavit setting forth the facts
4 relied upon by the defendant in support of his motion: *Provided, however,* that
5 no matter shall be ground for an abatement of the action which heretofore
6 might have been pleaded in bar thereof, and that no cause of action shall be ex-
7 tinguished, or action at law or in equity abate, by reason of the death, mar-
8 riage or insanity of any party thereto, but such action may, notwithstanding
9 such death, marriage or insanity, be commenced, or, if already commenced, may
10 proceed, in the name of or against the executor or administrator of the de-
11 ceased person, or, in the name of or against the married woman, or, in the name
12 of or against the conservator of the insane person, if the same pertains to per-
13 sonal estate, or, in the name of or against the executor, heir or devisee of such
14 deceased person, or, in the name of or against such married woman, or the con-
15 servator of such insane person, if the same concerns real estate. Nor shall
16 any cause of action be extinguished or any action at law or in equity against
17 any public officer, receiver or trustee abate by reason of his death or going out
18 of office, but notwithstanding such death or going out of office, such action may
19 be commenced, or, if already commenced, may proceed in the name of or against
20 his successor in such office, receivership or trust. The following form of appear-
21 ance, motion in abatement and affidavit in support thereof, when accompanied
22 by a specification, if any, of the defendant's defense or defenses, shall be deemed
23 to sufficiently comply with the provisions of this act and shall be taken as fur-
24 nishing suggestions from which other similar papers may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Contract. No. 510.

APPEARANCE AND MOTION IN ABATEMENT.

The appearance of the defendant is hereby entered and the defendant moves that the action abate.

WILLIAM SMITH,
Defendant's Attorney,

19 Monroe St., Chicago, Illinois.

AFFIDAVIT IN ABATEMENT.

Richard Roe on his oath says that he is the defendant in the above entitled action; that at the time of the commencement of said action and the service of summons upon him he was not a resident of the said county of Cook and that he was not found nor served with said summons in the said county of Cook, but was found and served with said summons in the county of Will, in said State of Illinois.

RICHARD ROE.

Subscribed and sworn to before me this 24th day of February, 1908.

JOHN SMITH, *Clerk.*

(Here insert specification of defense or defenses.)

Sec. 255. HOW MOTION IN ABATEMENT DETERMINED.] Every motion for an

abatement of the action shall be determined by the court in a summary manner either upon the affidavit accompanying the same, if none of the material facts therein contained is contradicted by the plaintiff by counter-affidavit, or, if any such matters are contradicted by such counter-affidavit, or if the plaintiff shall file an affidavit setting forth that he has no knowledge respecting the matters set forth in the defendant's affidavit, such motion shall be determined by evidence introduced in open court as upon the trial of an issue of fact: *Provided, however,* that if either party shall have filed a demand in writing of a trial by jury in such action the facts put in issue upon such motion shall, upon the request of such party, be tried by jury.

Sec. 256. JUDGMENT UPON DETERMINATION OF MOTION IN ABATEMENT.] If

2 the issue upon a motion for an abatement of the action be found by the court
3 or the jury in favor of the defendant, the court shall enter judgment that the
4 action abate, unless the plaintiff, within such time as may be allowed therefor
5 by the court, shall, by amendment or otherwise, remove the ground for such
6 abatement: *Provided, however,* that, in case the ground of abatement is that
7 the action has been brought in the wrong court, the same shall be transferred to
8 the proper court as hereinbefore provided. If such issue be found in favor of
9 the plaintiff the action shall be tried upon its merits.

Sec. 257. DEFECTS REMOVABLE BY AMENDMENT.] No action shall be defeated

2 by a motion in abatement, if the defect found be capable of amendment and is
3 amended on terms prescribed by the court, and in case of a misnomer of either
4 party the correct name of such party shall be substituted on the record for such
5 misnomer and the action shall proceed in the name of or against the party so
6 substituted without further service of process.

Sec. 258. SPECIFICATION OF DEFENSES TO BE MERE MEMORANDUM.] The spec-

2 ification of the defendant's defense or defenses shall not be a complete state-
3 ment as to each defense of all the elements which in law constitute such defense,
4 but shall be a mere memorandum specifying the nature of the defense and giving
5 such information as to place, time and other particulars, as to enable the plain-
6 tiff to ascertain the extent to which the claim of the plaintiff will be contro-
7 verted and the nature of the defense or defenses which will be made thereto by
8 the defendant. It shall be written upon the same sheet of paper with the ap-
9 pearance, when practicable, and, when that is impracticable, such appearance
10 and specification of defenses shall be fastened together and filed as one paper.

Sec. 259. CLASSIFICATION OF ACTIONS FOR PURPOSES OF SPECIFICATION OF DE-

2 FENSES.] For convenience in the specification of defenses actions at law, other
3 than actions of mandamus, actions of habeas corpus, actions of quo warranto,

4 actions of certiorari, actions of contempt and criminal actions, shall be divided
5 into the following classes:

6 *First*—CONTRACTS NOT IN WRITING.] Actions on contracts, express or im-
7 plied, other than contracts in writing.

8 *Second*—CONTRACTS IN WRITING.] Actions on contracts in writing other
9 than penal bonds, judgments and recognizances.

10 *Third*—PENAL BONDS.] Actions on penal bonds.

11 *Fourth*—JUDGMENTS.] Actions on judgments and actions to revive judg-
12 ments.

13 *Fifth*—TORTS TO PERSON OR PERSONAL PROPERTY.] Actions for torts to the
14 person or to personal property, other than actions of replevin and actions for
15 the trial of the right of property.

16 *Sixth*—REPLEVIN.] Actions of replevin.

17 *Seventh*—TRIAL OF RIGHT OF PROPERTY.] Actions for the trial of the right
18 of property.

19 *Eighth*—TORTS TO REAL ESTATE.] Actions for torts to real estate.

20 *Ninth*—FORCIBLE DETAINER.] Actions of forcible detainer.

21 *Tenth*—EJECTMENT.] Actions of ejectment.

22 *Eleventh*—QUASI CRIMINAL.] Actions of a quasi criminal nature.

23 *Twelfth*—RECOGNIZANCES.] Actions on recognizances.

Sec. 260. DEFENSES TO ACTIONS ON CONTRACTS NOT IN WRITING.] The de-
2 fenses to actions on contracts, express or implied, not in writing shall be known
3 and stated, in abbreviated forms, in specifications of defenses as (a) general
4 issue, (b) satisfaction, (c) statute of frauds, (d) statute of limitations, (e) usury,
5 (f) discharge in bankruptcy, (g) set off, (h) tender and (i) breach of warranty
6 and with respect to said several defenses the following rules shall prevail:

7 *First*—GENERAL ISSUE.] The defense of GENERAL ISSUE, without further spec-
8 ification of particulars, shall include all matters of defense not included within
9 those hereinafter in this section specified.

10 *Second*—SATISFACTION.] The defense of SATISFACTION shall include the de-
 11 fenses heretofore commonly known and described as pleas of payment, release
 12 and accord and satisfaction. The specification thereof in the abbreviated form
 13 above provided for shall be followed by a statement of the approximate date of
 14 such satisfaction and of the manner or means by which the same was accom-
 15 plished.

16 *Third*—STATUTE OF FRAUDS.] The defense of STATUTE OF FRAUDS, without
 17 further specification of particulars, shall include the defense heretofore com-
 18 monly known and described as the plea of the statute of frauds.

19 *Fourth*—STATUTE OF LIMITATIONS.] The defense of STATUTE OF LIMITATIONS,
 20 without further specification of particulars than the number of years fixed by the
 21 statute for barring the action, shall include the defenses heretofore commonly
 22 known and described as pleas of statutes of limitations.

23 *Fifth*—USURY.] The defense of USURY shall include the defense heretofore
 24 commonly known and described as the plea of usury. The specification thereof
 25 in the abbreviated form above provided for shall be followed by a statement of
 26 the rate of interest unlawfully contracted for and the date, approximately, when
 27 contracted for.

28 *Sixth*—DISCHARGE IN BANKRUPTCY.] The defense of DISCHARGE IN BANKRUPTCY
 29 shall include the defense heretofore commonly known and described as the plea
 30 of discharge in bankruptcy. The specification thereof in the abbreviated form
 31 above provided for shall be followed by a statement giving the date on which
 32 and the court by which the discharge was entered.

33 *Seventh*—SET-OFF.] The defense of SET-OFF shall include the defense here-
 34 tofore commonly known as the plea of set-off. The specification thereof in the
 35 abbreviated form above provided for shall be followed by a statement of the
 36 defendant's claim which he proposes to set off, which statement shall contain
 37 the same particulars required in a statement of a similar claim by the plaintiff.

38 *Eighth*—TENDER.] The defense of TENDER shall include the defense hereto-
 39 fore commonly known and described as the plea of tender. The specification
 40 thereof in the abbreviated form above provided for shall be followed by a state-
 41 ment of the approximate date and amount of the tender.

42 *Ninth*—BREACH OF WARRANTY.] The defense of BREACH OF WARRANTY shall in-
 43 clude the defense heretofore commonly known and described as the plea of
 44 breach of warranty. The specification thereof in the abbreviated form above
 45 provided for shall be followed by a statement of the approximate date of the
 46 warranty and of the terms thereof.

Sec. 261. DEFENSES TO CERTAIN ACTIONS ON CONTRACTS IN WRITING.] The de-
 2 fenses to actions on contracts in writing other than penal bonds, judgments or
 3 recognizances, shall be known and stated in abbreviated forms in specifications
 4 of defenses as (a) general issue, (b) non est factum, (c) satisfaction, (d) statute
 5 of limitations, (e) usury, (f) discharge in bankruptcy, (g) set off, (h) want of
 6 consideration, (i) failure of consideration, (j) partial failure of consideration,
 7 (k) further time given principal, (l) breach of warranty, (m) fraud and circum-
 8 vention, and (n) tender. With respect to said several defenses the following
 9 rules shall prevail:

10 *First*—GENERAL ISSUE.] The defense of GENERAL ISSUE, without further speci-
 11 fication of particulars, shall include all matters of defense not included within
 12 those hereinafter in this section specified.

13 *Second*—SATISFACTION, ETC.] The defenses of SATISFACTION, STATUTE OF LIMITA-
 14 TIONS, USURY, DISCHARGE IN BANKRUPTCY, SET OFF, BREACH OF WARRANTY and TENDER
 15 shall be governed by the same rules prescribed for those defenses respectively
 16 in the preceding section.

17 *Third*—NON EST FACTUM.] The defense of NON EST FACTUM, without further
 18 specification of particulars, shall include the defense heretofore commonly known
 19 and described as the plea of non est factum.

20 *Fourth*—WANT OF CONSIDERATION.] The defense of WANT OF CONSIDERATION,
 21 without further specification of particulars, shall include the defense heretofore
 22 commonly known and described as the plea of want of consideration.

23 *Fifth*—FAILURE OF CONSIDERATION.] The defense of FAILURE OF CONSIDERATION
 24 shall include the defense heretofore commonly known and described as the plea
 25 of failure of consideration. The specification thereof in the abbreviated form
 26 above provided for shall be followed by a statement of the consideration which
 27 failed.

28 *Sixth*—PARTIAL FAILURE OF CONSIDERATION.] The defense of PARTIAL FAILURE
 29 OF CONSIDERATION shall include the defense heretofore commonly known and de-
 30 scribed as the plea of partial failure of consideration. The specification thereof
 31 in the abbreviated form above provided for shall be followed by a statement of
 32 the consideration and of the portion thereof which failed.

33 *Seventh*—FURTHER TIME GIVEN PRINCIPAL.] The defense of FURTHER TIME
 34 GIVEN PRINCIPAL, without further specification of particulars, shall include the de-
 35 fense heretofore commonly known and described as the plea of a surety of fur-
 36 ther time given his principal.

37 *Eighth*—FRAUD AND CIRCUMVENTION.] The defense of FRAUD AND CIRCUM-
 38 VENTION, without further specification of particulars, shall include the defense
 39 heretofore commonly known and described as the plea of fraud and circum-
 40 vention.

Sec. 262. DEFENSES TO ACTIONS ON PENAL BONDS.] The defenses to actions
 2 on penal bonds shall be known and stated in abbreviated forms in specifications
 3 of defenses as (a) non est factum, (b) bond delivered in escrow, (c) tender, (d)
 4 nul tiel record, (e) non damnificatus, (f) performance, (g) no award, (h) merits
 5 not determined and property in defendant, (i) satisfaction and (j) statute of
 6 limitations, and with respect to said several defenses the following rules shall
 7 prevail:

8 *First*—NON EST FACTUM, ETC.] The defense of NON EST FACTUM, STATUTE OF
 9 LIMITATIONS, TENDER AND SATISFACTION shall be governed by the same rules pre-
 10 scribed for those defenses respectively in the preceding section.

11 *Second*—BOND DELIVERED IN ESCROW.] The defense of BOND DELIVERED IN
 12 ESCROW, without further specification of particulars, shall include the defense
 13 heretofore commonly known as the plea of bond delivered in escrow.

14 *Third*—NUL TIEL RECORD.] The defense of NUL TIEL RECORD, without further
 15 specification of particulars, shall include the defense heretofore commonly known
 16 and described as the plea of nul tiel record.

17 *Fourth*—NON DAMNIFICATUS.] The defense of NON DAMNIFICATUS, without
 18 further specification of particulars, shall include the defense heretofore com-
 19 monly known and described as the plea of non damnificatus.

20 *Fifth*—PERFORMANCE.] The defense of PERFORMANCE, without further speci-
 21 fication of particulars, shall include the defense heretofore commonly known
 22 and described as the plea of performance.

23 *Sixth*—NO AWARD.] The defense of NO AWARD, without further specification
 24 of particulars, shall include the defense heretofore commonly known and de-
 25 scribed as the plea of no award in an action on an arbitration bond.

26 *Seventh*—MERITS NOT DETERMINED, ETC.] The defense of MERITS NOT DETER-
 27 MINED AND PROPERTY IN DEFENDANT, without further specification of particulars,
 28 shall include the defense to an action upon a replevin bond heretofore commonly
 29 known and described as the plea of merits not determined and property in de-
 30 fendant.

Sec. 263. DEFENSES TO ACTIONS ON JUDGMENTS.] The defenses to actions on
 2 judgments and actions to revive judgments shall be known as (a) nul tiel record,
 3 (b) satisfaction, (c) set off and (d) statute of limitations, and with respect to
 4 said several defenses the following rules shall prevail:

5 *First*—NUL TIEL RECORD.] The defense of NUL TIEL RECORD, without further
 6 specification of particulars, shall include the defense heretofore commonly
 7 known and described as the plea of nul tiel record.

8 *Second*—SATISFACTION.] The defense of SATISFACTION shall include any de-
 9 fense, other than set off or the statute of limitations, consisting of facts occur-
 10 ring subsequent to the rendition of the judgment by reason of which the same
 11 has become satisfied, in whole or in part, or discharged. The specification of this
 12 defense in the abbreviated form above provided for shall be followed by a
 13 statement of the approximate date of any payment or discharge, and the man-
 14 ner in which the payment or discharge was accomplished.

15 *Third*—SET OFF.] The defense of SET OFF shall include the defense heretofore
 16 commonly known as the plea of set off and shall be followed by a statement of
 17 such set off substantially in the form prescribed for a statement of a similar
 18 claim sued on, and under such defense the defendant may establish any cause
 19 of action arising out of any contract which he could establish against the plaintiff
 20 by an independent action.

21 *Fourth*—STATUTE OF LIMITATIONS.] The defense of STATUTE OF LIMITATIONS,
 22 without further specification of particulars than the number of years fixed by the
 23 statute for barring the action, shall include the defense heretofore commonly
 24 known and described as the plea of the statute of limitations.

Sec. 264. DEFENSES TO ACTIONS FOR TORTS TO PERSON OR PROPERTY.] The de-
 2 fenses to actions for torts to the person or to personal property, other than
 3 actions of replevin and actions for the trial of the right of property, shall be
 4 known and stated in abbreviated forms and specifications of defenses as (a) not
 5 guilty, (b) justification, (c) statute of limitations and (d) satisfaction, and with
 6 respect to said several defenses the following rules shall prevail:

7 *First*—NOT GUILTY.] The defense of NOT GUILTY, without further specifica-
 8 tion of particulars, shall include all matters of defense not included within those
 9 hereinafter in this section specified.

10 *Second*—STATUTE OF LIMITATIONS AND SATISFACTION.] The defenses of STATUTE
 11 OF LIMITATIONS AND SATISFACTION shall be governed by the same rules prescribed
 12 for those defenses respectively in the preceding section.

13 *Third*—JUSTIFICATION.] The defense of JUSTIFICATION shall include the de-
 14 fense heretofore commonly known and described as the plea of justification.
 15 The specification thereof in the abbreviated form above provided for shall be
 16 followed by a statement in general terms of the matter relied upon in justifica-
 17 tion.

 Sec. 265. DEFENSES TO ACTIONS OF REPLEVIN.] The defenses to actions of re-
 2 plevin shall be known and stated in abbreviated forms in specifications of de-
 3 fenses as (a) non cepit, (b) non detinet, (c) property in defendant, (d) property
 4 in third person and (e) justification, and with respect to said several defenses the
 5 following rules shall prevail:

6 *First*—NON CEPIT, NON DETINET AND PROPERTY IN DEFENDANT.] The defenses
 7 of NON CEPIT, NON DETINET, and PROPERTY IN DEFENDANT, without further specifica-
 8 tion of particulars, shall include all matters of defense which could heretofore
 9 be proven under the defenses commonly known as the pleas of non cepit, non
 10 detinet and property in defendant.

11 *Second*—PROPERTY IN THIRD PERSON.] The defense of PROPERTY IN THIRD
 12 PERSON shall include the defense heretofore commonly known and described as
 13 the plea of property in third person. The specification thereof in the abbreviated
 14 form above provided for shall include a statement of the name of the third
 15 person.

16 *Third*—JUSTIFICATION.] The defense of JUSTIFICATION shall include all de-
 17 fenses heretofore commonly known and described as pleas of justification. The
 18 specification thereof in the abbreviated form above provided for shall be fol-
 19 lowed by a statement of the matter constituting the justification.

Sec. 266. DEFENSES TO ACTIONS FOR TRIAL OF RIGHT OF PROPERTY.] The de-

2 fenses to actions for the trial of the right of property shall be known and stated in
3 abbreviated forms in specifications of defenses as (a) not guilty and (b) denial
4 of levy or seizure, and with respect to said several defenses the following rules
5 shall prevail:

6 *First*—NOT GUILTY.] The defense of NOT GUILTY shall, without further speci-
7 fication of particulars, include all matters of defense, other than a denial of a
8 seizure of the property in controversy under the execution, or writ of attach-
9 ment, or writ of replevin, or tax warrant, described in the plaintiff's statement
10 of claim.

11 *Second*—DENIAL OF LEVY.] The defense of DENIAL OF LEVY shall be taken to
12 mean a denial by the defendants of the seizure and holding of the property under
13 the writ of attachment, or execution, or writ of replevin, or tax warrant, specified
14 in the plaintiff's statement of claim.

Sec. 267. DEFENSES TO ACTIONS FOR TORTS TO REAL ESTATE.] The defenses to

2 actions for torts to real estate, not including actions of forcible detainer or ac-
3 tions of ejectment, shall be known and stated in the abbreviated forms in speci-
4 fications of defenses as (a) not guilty, (b) liberum tenementum, (c) license, and
5 (d) statute of limitations, and with respect to said several defenses the following
6 rules shall prevail:

7 *First*—NOT GUILTY.] The defense of NOT GUILTY, without further specifica-
8 tion of particulars, shall include all matters of defense not included within those
9 hereinafter in this section specified.

10 *Second*—LIBERUM TENEMENTUM.] The defense of LIBERUM TENEMENTUM, with-
11 out further specification of particulars, shall include the defense heretofore
12 commonly known and described as the plea of liberum tenementum.

13 *Third*—LICENSE.] The defense of LICENSE, without further specification of
14 particulars, shall include the defense heretofore commonly known and described
15 as the plea of license.

16 *Fourth*—STATUTE OF LIMITATIONS.] The defense of STATUTE OF LIMITATIONS,
 17 without further specification of particulars than the number of years fixed by
 18 the statute for barring the action, shall include the defense heretofore com-
 19 monly known and described as the plea of the statute of limitations.

Sec. 268. DEFENSES TO ACTIONS OF FORCIBLE DETAINER.] The defense to an
 2 action of forcible detainer, when the plaintiff does not unite with his claim for
 3 possession of the property a claim for rent or damages, shall be known and
 4 stated in the abbreviated form as not guilty, and the defense of NOT GUILTY
 5 shall include all matters of defense. When the plaintiff unites with his claim
 6 for possession of the property a claim for rent or damages, the defenses, as to
 7 such claim, shall be known and stated in the abbreviated forms in the same
 8 manner and shall have the same effect as the defenses hereinbefore provided
 9 for actions on contracts, express or implied, other than in writing.

Sec. 269. DEFENSES TO ACTIONS OF EJECTMENT.] The defenses to actions of
 2 ejectment shall be known and stated in abbreviated forms in specifications
 3 of defenses as (a) not guilty, (b) denial of possession, (c) disclaimer of all in-
 4 terest in property and (d) specification of title claimed, and with respect to said
 5 several defenses the following rules shall prevail:

6 *First*—NOT GUILTY.] The defense of NOT GUILTY, without further specifica-
 7 tion of particulars, shall include all matters of defense not included within those
 8 hereinafter in this section specified.

9 *Second*—DENIAL OF POSSESSION.] The defense of DENIAL OF POSSESSION shall
 10 be taken to mean a denial by the defendant that he is in possession, either ac-
 11 tual or constructive, of the premises described in the plaintiff's statement of
 12 claim.

13 *Third*—DISCLAIMER, ETC.] The defense of DISCLAIMER OF ALL INTEREST IN
 14 PROPERTY shall be taken to mean a denial by the plaintiff that he has or claims
 15 any interest of any kind or character in the property described in the plaintiff's
 16 statement of claim.

17 *Fourth*—SPECIFICATION OF TITLE.] The defense of SPECIFICATION OF TITLE
 18 CLAIMED shall be taken to mean a counter claim by the defendant of title to the
 19 premises, or some portion thereof, specified in the plaintiff's statement of
 20 claim.

Sec. 270. DEFENSES IN ATTACHMENT.] In actions of attachment and attach-
 2 ment of water craft the defendant may specify, in its abbreviated form, any de-
 4 fense which it would be permissible to specify were the action brought on the
 5 plaintiff's claim without the suing out of an attachment and, in addition thereto,
 6 if he desires to controvert the allegations of the plaintiff's affidavit with re-
 7 spect to the grounds of the attachment, he shall file his affidavit in denial
 8 thereof.

Sec. 271. DEFENSES IN QUASI CRIMINAL ACTIONS.] The defenses to actions of
 2 a quasi criminal nature shall be known and stated in abbreviated forms in
 3 specifications of defenses as (a) general issue, and (b) statute of limitations.
 4 The GENERAL ISSUE shall include all matters of defense, excepting the STATUTE OF
 5 LIMITATIONS, and in all other respects the same rules shall prevail with respect
 6 thereto as with respect to the same defenses in other actions.

Sec. 272. DEFENSES TO ACTIONS ON RECOGNIZANCES.] The defenses to ac-
 2 tions on recognizances shall be known and stated in abbreviated forms in speci-
 3 fications of defenses as (a) nul tiel record, (b) surrender before forfeiture,
 4 (c) performance impossible, and (d) satisfaction, and with respect to said sev-
 5 eral defenses the following rules shall prevail:

6 *First*—NUL TIEL RECORD.] The defense of NUL TIEL RECORD, without further
 7 specification of particulars, shall include the defense heretofore known as the
 8 plea of nul tiel record.

9 *Second* SURRENDER BEFORE FORFEITURE.] The defense of SURRENDER BEFORE
 10 FORFEITURE, shall include the defense that the principal in the recognizances sur-
 11 rendered or was surrendered to the proper officer before forfeiture. The spec-

12 ification thereof in the abbreviated forms above provided for shall be followed
 13 by a statement of the approximate date and the place of surrender and the
 14 officer to whom made.

15 *Third*—PERFORMANCE IMPOSSIBLE.] The defense of PERFORMANCE IMPOSSIBLE
 16 shall include the defense that the appearance of the principal was rendered im-
 17 possible by the act of the law, the act of God, or of the cognizee. The specifica-
 18 tion thereof in the abbreviated form above provided for shall be followed by a
 19 statement of the particular act relied upon as having rendered the performance
 20 impossible.

21 *Fourth*—SATISFACTION.] The defense of satisfaction shall be governed by
 22 the same rules prescribed for that defense in other actions on contracts.

Sec. 273. SPECIFICATION OF DEFENSES TO SEVERAL CLAIMS.] When the plain-
 2 tiff, in one action, files several statements of claims for separate causes of ac-
 3 tion, it shall be sufficient for the defendant to combine in one specification his
 4 defenses to all of said claims.

Sec. 274. COUNTER-CLAIM—FORM—DEFENSES—TRIAL OF ISSUES—STAY OF JUDG-
 2 MENT—ACTION NOT TO BE DISMISSED WITHOUT CONSENT.] The defendant in any
 3 action at law for the recovery of money, in addition to the specification of de-
 4 fenses hereinbefore provided for, may file a counter-claim against the plaintiff to
 5 recover upon any claim of any kind or character for money, whether upon a
 6 contract or for a tort, which he may have against the plaintiff. Such counter-
 7 claim shall be in the same form, as near as may be, as a statement of claim of
 8 a plaintiff upon a like cause of action and within five days after receiving a
 9 copy thereof the plaintiff shall file his specification of defenses thereto, which
 10 defenses shall be the same as those hereinbefore specified for a statement of
 11 claim by a plaintiff. Whenever, in the opinion of the court, the issues upon the
 12 plaintiff's claim and the issues upon the defendant's counter-claim can not be
 13 conveniently tried together, they may be tried separately. and in any case final

14 judgment may, in the discretion of the court, be stayed until the final deter-
 15 mination of the issues upon all of the claims presented in the action. After
 16 the filing by the defendant of a set-off or counter-claim the plaintiff shall not
 17 be permitted to dismiss his action without the consent of the defendant.

Sec. 275. STATEMENT OF FACTS CONSTITUTING DEFENSES IN LIEU OF SPECIFICA-
 2 TION OF DEFENSES IN ABBREVIATED FORM.] The defendant, in lieu of filing a speci-
 3 cation of defense or defenses in an abbreviated form, as hereinbefore provided
 4 for, may, if he so elect, file a statement setting forth the facts constituting his
 5 defense or defenses and verified by his affidavit, in which case every fact set
 6 forth in such statement shall be taken as true unless the same shall be denied
 7 by the plaintiff by counter affidavit, such counter affidavit to be filed within ten
 8 days after service upon the plaintiff of a copy of the affidavit of the defendant.
 9 The plaintiff, in addition to or in lieu of denying any fact set forth in the affi-
 10 davit of the defendant, may set forth in his counter affidavit any such facts
 11 as he may deem material to overcome or render unavailing to the defendant
 12 the facts so alleged.

Sec. 276. CAUSE AT ISSUE—EVIDENCE.] Upon the filing by the defendant of
 2 his specification of his defense or defenses to the action, when no counter claim
 3 is filed, the action shall be deemed at issue as between the plaintiff and the de-
 4 fendant filing such specification, and the plaintiff shall be at liberty, in support
 5 of his claim, to establish upon the trial any facts which it would have been
 6 competent for him to establish under any form of replication or other pleading
 7 heretofore allowable, and the defendant shall likewise be at liberty to establish
 8 upon the trial any facts which may be necessary to support his defense or de-
 9 fenses thus specified. When a counter claim is filed the action shall be deemed
 10 at issue when the plaintiff files his specification of defense or defenses thereto
 11 and the procedure in respect thereto shall be the same, as near as may be, as in
 12 case of a statement of claim by a plaintiff and a specification of defense or
 13 defenses by a defendant.

Sec. 277. DEFENSES BY DEFENDANT REFUSING TO JOIN AS PLAINTIFF OR BY

ASSIGNOR.] Whenever any person refusing to join as plaintiff in an action, or any assignor of a chose in action, is made a defendant as hereinbefore provided and such person wishes to make any defense to the prosecution of such action by the plaintiff, he may file with his entry of appearance a specification of such defense and thereupon such proceedings may be had as may seem to the court necessary or proper for the determination of the rights of all the parties to the action respecting the subject matter thereof.

Sec. 278. FORMS OF APPEARANCE WITH SPECIFICATION OF DEFENSES, ETC.] The

following forms of appearances and specifications of defenses and other papers filed therewith shall be deemed to sufficiently comply with the provisions of this act and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

1. APPEARANCE WITH DEMAND FOR TRIAL BY JURY, SPECIFICATION OF DEFENSES AND AFFIDAVIT OF MERITS IN ACTION ON CONTRACT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe et al. } Contract. No. 217.

APPEARANCE.

The appearance of the defendants is hereby entered.
Defendants demand a trial by jury.

WILLIAM SMITH,
Defendant's Attorney.

19 Monroe St., Chicago, Illinois.

SPECIFICATION OF DEFENSES.

Defendants will rely upon the following defenses:

1. General issue.
2. Want of consideration.
3. Failure of consideration, the consideration being the conveyance and warranty by plaintiff to defendants of Lot 6, in Block 19, in the Village of Oak

23 Park, Cook county, Illinois, for the sum of \$1,000 on January 2, 1907, which con-
 24 veyance was worthless because of total want of title in plaintiff.

25 WILLIAM SMITH,
 26 Defendant's Attorney.

27 AFFIDAVIT OF MERITS.

28 Richard Roe on his oath says that he is one of the defendants in the above
 29 entitled action; that the consideration of the promissory note mentioned in the
 30 plaintiff's statement of claim was the conveyance and warranty by the plaintiff
 31 to the defendants on January 2, 1907, of Lot 6, in Block 19, in the Village of Oak
 32 Park, Cook county, Illinois, and that the consideration of said promissory note
 33 has wholly failed because said conveyance was and is worthless on account of a
 34 total want of title in the plaintiff to said property.

35 RICHARD ROE.

36 Subscribed and sworn to before me this 24th day of February, 1908.

37 JOHN SMITH, Clerk.

38 2. APPEARANCE WITH SPECIFICATION OF DEFENSES, AFFIDAVIT OF MERITS AND AF-
 39 FIDAVIT DENYING GROUND OF ATTACHMENT.

40 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

41 John Doe
 42 v.
 43 Richard Roe et al. } Attachment. No. 214.

44 APPEARANCE.

45 The appearance of the defendant is hereby entered.

46 WILLIAM SMITH,
 47 Defendant's Attorney.
 48 19 Monroe St., Chicago, Illinois.

49 MEMORANDA.

50 (Here insert specification of defenses and affidavit of merits as in preced-
 51 ing form, and add following):

52 AFFIDAVIT DENYING GROUND OF ATTACHMENT.

53 Richard Roe on his oath says that he is one of the defendants in the above
 54 entitled action; that neither of said defendants was at the time of the commence-
 55 ment of said action a non-resident of the State of Illinois, but that each of them
 56 at said time was a resident of said State and that this defendant Richard Roe

57 then resided in Joliet, Will county, Illinois, and that said defendant William Roe
 58 then resided in Mendota, La Salle county, Illinois.

59 RICHARD ROE.

60 Subscribed and sworn to before me this 30th day of March, 1908.

61 JOHN SMITH, *Clerk.*

62 3. APPEARANCE AND SPECIFICATION OF DEFENSES IN REPLEVIN.

63 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

64 John Doe et al. }
 65 v. } Replevin. No. 175.
 66 Richard Roe. }

67 APPEARANCE.

68 The appearance of the defendant is hereby entered.

69 WILLIAM SMITH,

70 *Defendant's Attorney,*

71 19 Monroe St., Chicago, Illinois.

72 SPECIFICATION OF DEFENSES.

73 Defendant will rely upon the following defenses:

74 1. Non detinet.

75 2. Property in defendant.

76 3. Property in third person, to-wit: John Smith.

77 4. Justification, being seizure by defendant as sheriff of property specified
 78 in the plaintiff's statement of claim under execution issued upon judgment of
 79 circuit court of Cook county in favor of John Smith and against plaintiffs for
 80 \$1,000 and costs, entered January 4, 1907, in case Contract, No. 2,463.

81 WILLIAM SMITH,

82 *Defendant's Attorney.*

83 4. APPEARANCE IN EJECTMENT AND SPECIFICATION OF DEFENSES.

84 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

85 John Doe }
 86 v. } Ejectment. No. 197.
 87 Richard Roe et al }

88 APPEARANCE.

89 The appearance of the defendants is hereby entered.

90 WILLIAM SMITH,

91 *Defendant's Attorney.*

92 19 Monroe St., Chicago, Illinois.

SPECIFICATION OF DEFENSES.

The defendants will rely upon the following defenses:

1. Not guilty.

2. Defendant William Roe disclaims all interest in the property.

3. Defendant Richard Roe claims title in fee simple to the entire premises, subject only to an estate for life in an undivided one-third thereof in the defendant Jane Roe.

4. Defendant Jane Roe claims an estate for life in an undivided one-third of said premises.

WILLIAM SMITH,

Defendant's Attorney,

19 Monroe St., Chicago, Illinois.

5. APPEARANCE OF ASSIGNOR MADE DEFENDANT WITH SPECIFICATION OF DEFENSE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Contract. No. 17.
v.	
Richard Roe et al.	

APPEARANCE.

The appearance of the defendant John Smith is hereby entered.

WILLIAM SMITH,

Defendant's Attorney,

19 Monroe St., Chicago, Illinois.

SPECIFICATION OF DEFENSE.

The defendant John Smith denies the assignment of the chose in action to the plaintiff.

WILLIAM SMITH,

Defendant's Attorney.

121 6. APPEARANCE OF DEFENDANT REFUSING TO JOIN AS PLAINTIFF WITH SPECIFI-
 122 CATION OF DEFENSES.

123 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

124 John Doe
 125 v.
 126 Richard Roe et al. } Contract. No. 54.

127 APPEARANCE.

128 The appearance of the defendant Henry Doe is hereby entered.

129 WILLIAM SMITH,
 130 *Defendant's Attorney,*
 131 19 Monroe St., Chicago, Illinois.

132 SPECIFICATION OF DEFENSES.

133 The defendant Henry Doe claims that the promissory note is the sole prop-
 134 erty of this defendant.

135 WILLIAM SMITH,
 136 *Defendant's Attorney.*

137 7. APPEARANCE OF DEFENDANT WITH SPECIFICATION OF DEFENSES AND COUNTER-
 138 CLAIM.

139 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

140 John Doe
 141 v.
 142 Richard Roe. } Contract. No. 90.

143 APPEARANCE.

144 The appearance of the defendant is hereby entered.

145 WILLIAM SMITH,
 146 *Defendant's Attorney,*
 147 19 Monroe St., Chicago, Illinois.

148 SPECIFICATION OF DEFENSES.

- 149 1. General issue.
- 150 2. Want of consideration.
- 151 3. Statute of limitations of ten years.
- 152 4. Counter claim.

153 COUNTERCLAIM.

154 Defendant's counterclaim is for the breach by the plaintiff of a contract
 155 in writing executed by the defendant and the plaintiff at Chicago, Illinois, on

156 the 2d day of January, 1907, by the terms of which the plaintiff was required
 157 to deliver to the defendant free on board the cars at Pittsburg, Pa., on or be-
 158 fore the first day of March, 1907, 2,000 tons of structural steel, the breach con-
 159 sisting in the non-delivery by the plaintiff of the steel as stipulated in the con-
 160 tract. The damages of the defendant are \$2,000, being extra price paid by de-
 161 fendant for steel to replace that contracted for and \$1,000 special damages
 162 through delay occasioned to defendant in fulfilling contract for erection of build-
 163 ing at No. 1400 Wabash Avenue, Chicago, Illinois. Total damages claimed
 164 \$3,000.

165
 166
 WILLIAM SMITH,
Defendant's Attorney.

167 8. SPECIFICATION OF DEFENSES BY PLAINTIFF TO COUNTERCLAIM OF DEFENDANT.

168 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

169 John Doe
 170 v.
 171 Richard Roe. } Contract. No. 91.

172 SPECIFICATION OF DEFENSES TO COUNTERCLAIM.

173 The plaintiff will rely upon the following defenses to the counter claim:

- 174 1. General issue.
 175 2. Statute of limitations of ten years.
 176 3. Satisfaction by payment in cash of \$2,500, January 10, 1908.

177
 178
 179
 HENRY BROWN,
Attorney for Plaintiff,
 927 Marquette Building, Chicago.

Sec. 279. PROCEDURE WHEN PAPERS OBJECTIONABLE IN FORM.] If a praecipe,
 2 statement of claim, specification of defense or counterclaim is not framed in
 3 substantial compliance with the provisions of this act, the court may, on motion
 4 of any party to the action or of its own motion, rule the party filing the same
 5 to reform the same in such manner as to obviate all objections thereto and in
 6 case of non-compliance with such rule may order the same to be taken off the
 7 file or may make such other order in the action as justice may require.

Sec. 280. BILLS OF PARTICULARS—WHEN DEMANDABLE—PURPOSE AND NATURE
 2 OF.] Any party to an action at law shall be entitled to a bill of particulars of

3 the claim or claims, counterclaim or counterclaims, or defense or defenses
 4 of the opposite party whenever, in the opinion of the court, such bill of particu-
 5 lars shall be necessary to enable the party demanding the same to properly
 6 prosecute or defend the action. The allowance of a bill of particulars shall be
 7 subject to the following rules:

8 *First*—APPLICATION TO BE ACCOMPANIED BY AFFIDAVIT.] Every application
 9 for a bill of particulars shall be accompanied by an affidavit of the individual
 10 party applying for the same, or, if such party be a corporation, by the affidavit
 11 of some officer thereof cognizant of the facts, setting forth that such party has
 12 good cause of action against the party from which such bill of particulars is
 13 sought, or a good defense, in whole or in part, and if in part specifying the
 14 part, to the cause of action sued on by such party, and setting forth the facts
 15 constituting such cause of action or defense, and also setting forth that such
 16 applicant is not sufficiently informed as to the particulars of the claim or de-
 17 fense of the party from whom such bill of particulars is sought to enable such
 18 applicant to properly prosecute or defend the action, as the case may be, and
 19 has no other means of obtaining such particulars, and that such application is
 20 not made for delay or for the purpose of vexing or annoying the opposite party.

21 *Second*—PARTICULARS OF FACTS ONLY AND NOT EVIDENCE DEMANDABLE.] No
 22 party shall be required to set forth, in a bill of particulars, the evidence upon
 23 which he founds his claim or defense, but particulars of facts only shall be
 24 demandable.

25 *Third*—WHEN INFORMATION CAN BE OBTAINED BY INTERROGATORIES, ETC.] No
 26 order for a bill of particulars shall be granted when, in the opinion of the court,
 27 the facts necessary to enable the party to prosecute his action or make his de-
 28 fense may be obtained by means of the interrogatories or statement of facts
 29 expected to be proven hereinbefore provided for.

30 *Fourth*—WHEN PURPOSE OF BILL OF PARTICULARS IS TO LIMIT PARTY'S EVIDENCE
 31 OR COMPEL DISCLOSURE OF EVIDENCE.] No order for a bill of particulars shall be

granted, when, in the opinion of the court, the purpose thereof is merely to limit the evidence of the party from whom the bill of particulars is demanded, or to secure from such party a disclosure of his evidence.

Fifth—WHEN NOT HERETOFORE DEMANDABLE.] No order for a bill of particulars shall be grantable in any case where the same has not heretofore been demandable.

Sixth—AMENDMENT.] A bill of particulars shall be amendable at any time before or after final judgment.

Seventh—VARIANCE OF PROOF FROM BILL OF PARTICULARS.] No action shall be defeated, either in whole or in part, by any variance between the bill of particulars and the evidence, unless, in the opinion of the court, the party furnishing the bill of particulars shall have acted in bad faith, but whenever such variance shall appear to have operated prejudicially to the opposite party, the court may postpone the trial of the action upon such terms as to costs as to the court shall seem just and right.

DIVISION XIX.

DEFAULTS IN ACTIONS AT LAW.

SECTION.

- 281. When defaults may be entered.
- 282. Default of garnishee.
- 283. When notice of default to be given.
- 284. Evidence upon assessment of damages.
- 285. Setting aside defaults.
- 286. Time of taking defaults, etc., may be regulated by rule.

SECTION.

- 287. Papers to be inspected before entry of default.
- 288. Defaults may be entered and damages assessed by master in chancery—form.
- 289. Duty of master to assess damages—no costs allowed—When attendance of plaintiff not necessary.

Sec. 281. WHEN DEFAULTS MAY BE ENTERED.] Excepting as may be otherwise expressly provided by this act, a default may be entered against any defendant in an action at law, under the following circumstances:

4 *First*—FAILURE TO ENTER APPEARANCE.] When the defendant, having been
5 duly served with the summons or writ, fails to file with the clerk his appearance
6 in writing in such action on or before the day specified therefor in this act.

7 *Second*—FAILURE TO FILE SPECIFICATION OF DEFENSES.] When the defendant
8 at the time of filing his appearance in writing fails to file with the clerk a mo-
9 tion in abatement or a specification of his defense or defenses.

10 *Third*—FAILURE TO COMPLY WITH RULE.] When the defendant fails to com-
11 ply with any rule laid upon him within the time required by such rule.

12 *Fourth*—FAILURE TO FILE AFFIDAVIT OF MERITS.] When, in any action upon
13 a contract, express or implied, for the payment of money the plaintiff has filed
14 with his statement of claim an affidavit showing the nature of his demand and
15 the amount due him from the defendant, after allowing to the defendant all his
16 just credits, deductions and set-offs, if any, the defendant or his agent or attor-
17 ney, if the defendant is not an executor or administrator defending on behalf of
18 an estate, or the conservator of an idiot, habitual drunkard, lunatic or dis-
19 tracted person, or guardian of a minor, defending on behalf of his ward, shall
20 fail to file with the specification of his defense or defenses an affidavit stating
21 that the defendant has a good defense or good defenses to such action upon the
22 merits to the whole or a portion of the plaintiff's demand and setting forth the
23 facts constituting such defense or defenses, and, if the same be to a portion of
24 the demand, specifying the amount according to the best of his judgment and
25 belief as hereinafter in this act provided.

26 *Fifth*—NOTICE BY PUBLICATION—NON-APPEARANCE.] When the defendant,
27 having been duly notified by publication of the pendency of the action, fails to
28 file with the clerk his appearance in writing in such action on or before the day
29 on which he is required by the notice to appear.

30 *Sixth*—NOTICE BY PUBLICATION—FAILURE TO FILE SPECIFICATION OF DEFENSES.]
31 When the defendant, having been duly notified by publication of the pendency of

32 the action, fails to file with the clerk a specification of his defense or defenses at
 33 the time of the filing of his appearance in writing.

Sec. 282. DEFAULT OF GARNISHEE.] A default may be entered against any gar-
 2 nishee, when such garnishee, having been duly served with the garnishee sum-
 3 mons and a copy of the interrogatories, fails to file his appearance, together with
 4 an answer to such interrogatories, on or before the day specified therefor in
 5 this act.

Sec. 283. WHEN NOTICE OF DEFAULT TO BE GIVEN.] When the defendant has
 2 not entered his appearance a default may be entered against him and subse-
 3 quent proceedings may be had thereon without further notice, but no default
 4 shall be entered against the defendant when the defendant has entered his ap-
 5 pearance, excepting upon notice in writing to the defendant or to his attorney
 6 served before four o'clock P. M. of the day preceding that on which such de-
 7 fault is proposed to be taken, or upon its being made satisfactorily to appear to
 8 the court that the service of such notice has been impracticable: *Provided*,
 9 *however*, that nothing herein contained shall be construed to require the record
 10 in any action to show affirmatively the service of any such notice, but such ser-
 11 vice shall be presumed unless the contrary affirmatively appears.

Sec. 284. EVIDENCE UPON ASSESSMENT OF DAMAGES.] Upon the entry of any
 2 default in any action at law for the recovery of money, the amount of the plain-
 3 tiff's claim, which will be hereinafter designated as the damages, shall be as-
 4 sessed by the court without the intervention of a jury, unless the defendant
 5 shall have filed in the action his appearance in writing, together with a demand
 6 in writing of a trial by jury. When, in any such action, the damages are assessed
 7 by the court and the action is on a contract, express or implied, for the payment
 8 of money, the court may receive, as sufficient evidence for that purpose, an affi-
 9 davit or affidavits, provided the same shall show the nature of the plaintiff's
 10 demand and the amount due him from the defendant after allowing to the de-

11 fendant all his just credits, deductions and set-offs, and, in any such case in
 12 which any such affidavit or affidavits have been filed, the court may assess such
 13 damages of its own motion and without the necessity of application therefor by
 14 the plaintiff, but damages shall not be assessed against any party whose ap-
 15 pearance has been entered, except upon notice in writing to such party or his
 16 attorney served before four o'clock P. M., of the day preceding that on which
 17 such damages are proposed to be assessed, or upon its being satisfactorily made
 18 to appear to the court that the service of such notice has been impracticable:
 19 *Provided, however,* that in actions of attachment in which the defendant has
 20 been notified by publication only and has not entered his appearance, judgment
 21 shall not be rendered against him for a greater sum than appears, by the affi-
 22 davit of the plaintiff, his agent or attorney, to have been due at the time of ob-
 23 taining the attachment, with interest, damage and costs.

Sec. 285. SETTING ASIDE DEFAULTS.] The court may, in its discretion, either
 2 before final judgment or within sixty days thereafter, set aside any default upon
 3 such terms and conditions as shall be deemed reasonable. No motion to set
 4 aside a default shall be overruled because of the negligence or want of diligence
 5 of any attorney, if the party defaulted shall not appear to have been personally
 6 guilty of negligence or want of diligence, and shall, if plaintiff, show by affi-
 7 davit or otherwise a good cause of action, or, if defendant, shall show a good
 8 defense. But the court may, in case of the negligence of the attorney, require
 9 such attorney to pay all the costs of the action down to the time such default is
 10 vacated.

Sec. 286. TIME OF TAKING DEFAULTS, ETC., MAY BE REGULATED BY RULE.] The
 2 time within which defaults may be taken or damages assessed, and the extent of
 3 the notices to be given as hereinbefore provided may be extended or changed by
 4 the court by special order in any action or by general rules.

Sec. 287. PAPERS TO BE INSPECTED BEFORE ENTRY OF DEFAULT.] It shall be

2 the duty of every judge before entering a default against any defendant or
3 garnishee to ascertain, or cause to be ascertained, from an inspection of the
4 necessary papers, or otherwise, that such defendant or garnishee has been duly
5 served with summons or otherwise duly notified of the pendency of the action
6 and that he is in default.

Sec. 288. DEFAULTS MAY BE ENTERED AND DAMAGES ASSESSED BY MASTER IN

2 CHANCERY—FORM.] It shall be competent for any master in chancery to enter a
3 default in any action pending in the court of which he is master, when the plain-
4 tiff is entitled to such default for non-appearance of the defendant, and to hear
5 the evidence and assess the damages to which the plaintiff may be entitled, and
6 the master may receive as sufficient evidence the affidavit of the plaintiff's claim
7 in any action on a contract, express or implied, for the payment of money, and
8 upon the certificate of such default and assessment of damages, the court may
9 enter judgment in favor of the plaintiff and against the defendant for the
10 amount of such assessment. Such certificate may be in substantially the follow-
11 ing form:

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13 John Doe
14 v. } Contract. No. 40.
14 Richard Roe. }

15 MASTER'S CERTIFICATE OF DEFAULT AND ASSESSMENT OF DAMAGES.

16 The undersigned, master in chancery, hereby certifies that the plaintiff in
17 the above entitled action is entitled to judgment by default against the defend-
18 ant and that the plaintiff's damages should be assessed at five hundred dollars
19 (\$500).

20 Chicago, Illinois, February 17, 1908.

21 GEORGE THOMAS,
22 Master in Chancery.

Sec. 289. DUTY OF MASTER TO ASSESS DAMAGES—NO COSTS ALLOWED—WHEN AT-

2 TENDANCE OF PLAINTIFF NOT NECESSARY.] It shall be the duty of every master in
 3 chancery to assess the damages in every case of default specified in the preced-
 4 ing section when applied to for that purpose, but no costs shall be payable there-
 5 for, and such damages may be assessed by the master without requiring the at-
 6 tendance of the plaintiff, or his attorney, for that purpose whenever, by the
 7 terms of this act, an affidavit of claim may be received as competent evidence
 8 of such damages.

DIVISION XX.

MOTIONS.

SECTION.

- 290. Motion to be in writing—exception—
filing—service.
- 291. Clerk to enter motions—calendar.
- 292. When motion stipulated for must be
allowed.
- 293. Clerk to call motion to attention of
judge, etc.—form.

SECTION.

- 294. When moving party must apply to op-
posite party for stipulation—penalty
for refusing consent without just
cause and vexatiously.
- 295. Penalty for motion made without just
cause and vexatiously.

Sec. 290. MOTION TO BE IN WRITING—EXCEPTION—FILING—SERVICE.] Every

2 motion made in a court of record, either of original or appellate juris-
 3 diction, in any civil or quasi criminal action, other than a motion made during
 4 the progress of a trial or hearing, shall be reduced to writing, signed by the
 5 party making the same or his attorney, and shall be filed with the clerk. to-
 6 gether with proof of service of a copy thereof, and of copies of all affidavits
 7 or other documents to be used in support thereof, upon the opposite party.
 8 When the motion is made by the plaintiff such copy shall be served upon each
 9 defendant or group of defendants entering a separate appearance and no such
 10 copies need be served upon any defendant who shall not have entered a sep-

11 arate appearance, unless the court, before the disposition of the motion, shall
12 otherwise direct.

Sec. 291. CLERK TO ENTER MOTIONS—CALENDAR.] When any such motion is
2 filed with the clerk he shall cause to be entered upon the proper register and
3 minute book a minute of the filing and entering of the motion and thereupon
4 said motion shall be treated and considered as having been duly entered in open
5 court and the same shall be placed upon the calendar of motions to be heard,
6 unless the same be accompanied by a stipulation as hereinafter provided.

Sec. 292. WHEN MOTION STIPULATED FOR MUST BE ALLOWED.] Either party
2 to any action, other than a criminal action, whether the same be in a court of
3 original jurisdiction or in a court of appellate jurisdiction, shall be entitled
4 to the allowance, as a matter of course, of either of the following motions when
5 the allowance thereof is agreed to by stipulation in writing signed by all the
6 parties to the action or by their respective attorneys:

7 *First*—FOR POSTPONEMENT.] A motion for the postponement of the trial or
8 hearing of an action or of any proceeding therein, whether before the court or
9 before any master in chancery, when such motion and stipulation are filed be
10 fore three o'clock p. m. of the day prior to the day on which the action or pro-
11 ceeding would otherwise be called for trial or hearing: *Provided, however,* that
12 no more than three postponements by agreement shall be allowed to the same
13 party in the same action.

14 *Second*—TO DISMISS.] A motion to dismiss an action either as to all of
15 the defendants or as to any one or more of them.

16 *Third*—FOR ADDITIONAL TIME IN ACTION AT LAW.] A motion for additional
17 time to file any paper which a party is required to file in an action at law.

18 *Fourth*—FOR ADDITIONAL TIME IN EQUITY.] A motion for additional time
19 to file pleadings or other papers in actions in equity.

20 *Fifth*—AS TO REPORT OF PROCEEDINGS.] A motion for additional time to tender
21 to a judge for settlement and signature a report of proceedings.

22 *Sixth*—ADDITIONAL TIME TO COMPLY WITH RULE.] A motion for additional
23 time to comply with any rule laid upon the party making such motion.

24 *Seventh*—ADDITIONAL TIME TO FILE AUTHENTICATED RECORD.] A motion for
25 additional time for the filing of an authenticated record in the Supreme Court
26 or Appellate Court, in case of an appeal or writ of error.

27 *Eighth*—ADDITIONAL TIME TO FILE PRINTED RECORD, BRIEFS, ETC.] A motion
28 for additional time for the filing of printed records, or abstracts of authenticated
29 records, or printed briefs or arguments.

30 *Ninth*—ADDITIONAL TIME TO FILE PETITION FOR REHEARING.] A motion for
31 additional time within which to file a petition for a rehearing in the Supreme
32 or in any Appellate Court.

33 *Tenth*—ADDITIONAL TIME FOR APPEAL.] A motion for additional time within
34 which to file a motion for an appeal or an appeal bond.

35 *Eleventh*—FOR LEAVE TO AMEND ANY PAPER.] A motion for leave to file an
36 amendment to or otherwise amend any praecipe, statement of claim, specifica-
37 tion of defense or defenses, pleading or other paper filed in any action.

38 *Twelfth*—FOR LEAVE TO AMEND RECORD ENTRY.] A motion to amend any
39 record entry in any action.

40 *Thirteenth*—FOR LEAVE TO FILE INTERROGATORIES.] A motion for leave to
41 file interrogatories to be answered by the adverse party or person for whose
42 immediate benefit the action is prosecuted or defended, or by the directors, offi-
43 cers, superintendents or managing agents of any corporation which is a party
44 to the record in the action.

45 *Fourteenth*—FOR LEAVE TO FILE SUPPLEMENTAL BILL, ETC.] A motion for
46 leave to file a supplemental bill of complaint or an amendatory and supple-
47 mental bill of complaint.

48 *Fifteenth*—FOR LEAVE TO FILE BILL OF INTERVENTION, ETC.] A motion for
 49 leave to file a bill of intervention, or intervening petition in an action in equity,
 50 or an intervener's claim or intervening petition in an action of law.

51 *Sixteenth*—FOR CHANGE OF VENUE.] A motion for a change of venue.

52 *Seventeenth*—FOR ORDER AS TO EXCEPTIONS, DEMURRER, ETC.] A motion for
 52 an order sustaining or overruling any exception or demurrer to any pleading
 53 or otherwise disposing of such pleading.

54 *Eighteenth*—AS TO DEFAULT.] A motion to set aside a default.

55 *Nineteenth*—TO VACATE JUDGMENT.] A motion to vacate a judgment or any
 56 other order of court.

57 *Twentieth*—FOR REFERENCE TO MASTER.] A motion for a reference to a mas-
 58 ter in chancery.

59 *Twenty-first*—FOR APPROVAL OR DISAPPROVAL OF REPORT.] A motion to ap-
 60 prove or disapprove, in whole or in part, a master's report.

61 *Twenty-second*—OTHER MOTIONS.] Any other motion which the several courts
 62 may, by their rules, authorize to be allowed upon the stipulation of the parties.

Sec. 293. CLERK TO CALL MOTION TO ATTENTION OF JUDGE, ETC.—FORM.]

2 When any motion falling within the provisions of the preceding section shall be
 3 filed, together with the stipulation aforesaid, it shall be the duty of the clerk to
 4 bring the same to the attention of the chief justice or presiding judge or one
 5 of the other judges of the court, who shall thereupon direct the clerk to enter the
 6 proper order and no attendance of either party shall be necessary therefor. The
 7 following form of motion and stipulation shall be deemed sufficient and shall be
 8 taken as furnishing suggestions from which other motions and stipulations may
 9 be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

11	John Doe	}	Contract. No. 27.
12	v.		
13	Richard Roe.		

MOTION.

This day the plaintiff moves the court for thirty days' additional time within which to tender to the judge for settlement and signature a report of the proceedings herein.

HENRY SMITH,
Plaintiff's Attorney.

It is hereby stipulated that the foregoing motion be allowed.

HENRY SMITH,
Attorney for Plaintiff.
JAMES BROWN,
Attorney for Defendant.

Sec. 294. WHEN MOVING PARTY MUST APPLY TO OPPOSITE PARTY FOR STIPULA-

TION—PENALTY FOR REFUSING CONSENT WITHOUT JUST CAUSE AND VEXATIONOUSLY.]

Any party intending to move the court for the entry, in any action pending, of an order which the parties are entitled to have entered by stipulation as hereinbefore provided, shall first apply to the opposite party or to his attorney, if such party has entered his appearance by himself or his attorney, to consent to the entry of the order so to be moved for, and, upon his failure to make such application to the opposite party, the entry of such order may, in the discretion of the court, be refused. When any party, upon the application of any other party, to an action, refuses to consent to the entry of such order, the court may, upon the granting of such order, allow the party moving therefor a sum not exceeding five dollars (\$5) as motion costs to be paid by the party so refusing consent as aforesaid, and may enforce the payment of such costs by attachment, but no such allowance shall be made unless it shall appear that such consent was refused without just cause and vexatiously.

Sec. 295. PENALTY FOR MOTION MADE WITHOUT JUST CAUSE AND VEXATIONOUSLY.]

When any motion shall be denied by the court the court may allow the success-

ful party a sum not exceeding five dollars (\$5) as motion costs whenever it appears to the satisfaction of the court that such motion has been made without just cause and vexatiously.

DIVISION XXI.

CHANGES OF VENUE IN COURTS OF RECORD.

SECTION

- 296. When granted in civil or quasi criminal action.
- 297. To what court granted—court of several judges.
- 298. Application to be made by petition.
- 299. Requisites of petition where cause is prejudice of inhabitants—supporting affidavits—controverting petition.
- 300. To what court application made—notice.
- 301. Notice when application made after thirty days.
- 302. When application not granted after lapse of thirty days.
- 303. Only one change of venue to each party.
- 304. Consent of co-plaintiffs or co-defendants required when—exception in condemnation proceeding.
- 305. Equitable terms and conditions.
- 306. Clerk to transmit record—how record made up.
- 307. Clerk to file record—action to proceed.
- 308. When granted in criminal action.
- 309. To what court granted—court of several judges—when to court of same county.
- 310. Application to be made by petition.
- 311. When affidavits to accompany petition—when venue not to be changed from county.

SECTION

- 312. Requisites of petition when cause is prejudice of inhabitants.
- 313. To what court application to be made—notice.
- 314. Notice when application made after thirty days.
- 315. When application not granted after lapse of thirty days.
- 316. Only one change to same defendant.
- 317. Clerk to transmit record—how record made up.
- 318. Clerk to file record—action to proceed.
- 319. Procedure when applicant is in custody.
- 320. Parties, etc., to attend court to which venue is changed.
- 321. Witnesses to be recognized.
- 322. Clerk to make statement of costs, etc.—expenses to be paid by county in which indictment or information is found or filed.
- 323. Transcript may be filed and execution issued.
- 324. Questions waived after trial and verdict.
- 325. Action commenced in wrong court or county.
- 326. Specification of judge as ineligible.
- 327. Forms of petitions, notices and recognition.

Sec. 296. WHEN GRANTED IN CIVIL OR QUASI CRIMINAL ACTION.] A change of venue in any civil or quasi criminal action at law or action in equity may be had in any of the following cases:

4 *First*—WHEN JUDGE IS PARTY OR DISQUALIFIED, ETC.] When the judge is a
 5 party to or interested in the action or his testimony is material to either of
 6 the parties to the action, or he is related to or shall have been counsel for
 7 either party in regard to the matter in controversy. In any such case a change
 8 may be awarded by the court with or without the application of either party.

9 *Second*—PREJUDICE OF JUDGE OR INHABITANTS OF COUNTY.] When either
 10 party shall fear that he will not receive a fair trial in the court in which the
 11 action is pending because the inhabitants of the county are, or the judge is, pre-
 12 judiced against him, or the adverse party has an undue influence over the minds
 13 of the inhabitants. In any such case the venue shall not be changed except
 14 upon application as hereinafter provided, or by consent of the parties.

15 *Third*—WHEN CONDITION OF BUSINESS PREVENTS TRIAL IN SIX MONTHS.]
 16 When, on account of the amount of business for disposition in the court in which
 17 the action is pending, a trial or hearing thereof cannot, in the opinion of the
 18 court, be had therein within six months after the commencement of such action
 19 or proceeding. In any such case the change of venue may be granted upon
 20 the motion of either party and the order of the court granting the same shall
 21 be final and conclusive,

22 *Fourth*—WHEN CONVENIENCE REQUIRES.] Whenever, in the opinion of the
 23 court, taking into account all the circumstances of the case, the action can be
 24 tried and disposed of with greater convenience and justice to the parties, the
 25 witnesses and the other persons engaged therein, than in the court in which
 26 such action is pending. In such case the change of venue may be granted on mo-
 27 tion of either party and the order of the court granting the same shall be final
 28 and conclusive.

Sec. 297. TO WHAT COURT GRANTED—COURT OF SEVERAL JUDGES.] When such
 2 change of venue is granted it may be to some other court of record of compe-
 3 tent jurisdiction in the same county, or in some other convenient county to
 4 which there is no valid objection: *Provided*, that when the action is pending

5 in a court of which there are several judges and the only causes for a change
 6 of venue apply to one or more but not to all of the judges of such court, the
 7 action may be tried before some one of the judges of such court to whom the
 8 causes do not apply, and in such case the application for the change of venue
 9 shall not be permitted to operate to delay the trial of the action, but the same
 10 shall be tried as speedily as if no change of venue had been applied for; and *pro-*
 11 *vided, further*, that when a change of venue is granted because, on account of the
 12 amount of business for disposition in the court in which the action is pending,
 13 a trial or hearing thereof cannot, in the opinion of the court, be had therein
 14 within six months after the commencement of such action, it shall only
 15 be granted to some court of competent jurisdiction in the same county. Any
 16 court shall be deemed a court of competent jurisdiction within the meaning of
 17 this Act which is authorized by law to try and dispose of causes transferred
 18 to it by changes of venue.

Sec. 298. APPLICATION TO BE MADE BY PETITION.] Every application for
 2 such change of venue on account of the prejudice of the judge, or of the inhab-
 3 itants of the county in which the action is pending, shall be by petition, setting
 4 forth the cause of the application and praying a change of venue, which peti-
 5 tion shall be verified by the affidavit of the applicant: *Provided, however*,
 6 that when all the parties to the action stipulate that a change of venue be
 7 granted no petition or specification of the cause of the application shall be
 8 necessary.

Sec. 299. REQUISITES OF PETITION WHERE CAUSE IS PREJUDICE OF INHABIT-
 2 ANTS—SUPPORTING AFFIDAVITS—CONTROVERTING PETITION.] If the cause for the
 3 change of venue is the prejudice of the inhabitants of the county or the undue
 4 influence of the adverse party over their minds, the petition shall set forth the
 5 facts upon which the petitioner founds his belief, and shall be supported by the
 6 affidavits of at least two other reputable persons resident of the county. The

7 adverse party may controvert the petition by counter affidavits and the court
 8 may grant or deny the petition as shall appear to be according to the right of
 9 the case.

Sec. 300. TO WHAT COURT APPLICATION MADE—NOTICE.] The application
 2 shall be made to the court in which the action is pending, reasonable notice
 3 thereof having been given to the adverse party or his attorney.

Sec. 301. NOTICE WHEN APPLICATION MADE AFTER THIRTY DAYS.] No appli-
 2 tion for a change of venue, when the cause is the prejudice of the judge or of
 3 the inhabitants of the county in which the action is pending, shall be allowed
 4 upon an application made after the lapse of thirty (30) days from the com-
 5 mencement of the action, unless the party applying shall have given to the
 6 opposite party ten (10) days' previous notice of his intention to make such
 7 application, except where the causes have arisen or come to the knowledge of
 8 the applicant within less than ten (10) days before the making of the
 9 application.

Sec. 302. WHEN APPLICATION NOT GRANTED AFTER LAPSE OF THIRTY DAYS.]
 2 No change of venue, when the cause is the prejudice of the judge or of the
 3 inhabitants of the county in which the action or proceeding is pending, shall be
 4 granted upon an application after the lapse of thirty (30) days from the com-
 5 mencement of the action, unless the party making the application shall show
 6 that the causes for which the change is asked have arisen or come to his knowl-
 7 edge since the lapse of said thirty (30) days.

Sec. 303. ONLY ONE CHANGE OF VENUE TO EACH PARTY.] Neither party shall
 2 have more than one change of venue.

Sec. 304. CONSENT OF CO-PLAINTIFFS OR CO-DEFENDANTS REQUIRED WHEN—
 2 EXCEPTION IN CONDEMNATION PROCEEDINGS.] When there are two or more plain-

3 tiffs or defendants, a change of venue shall not be granted unless the applica-
 4 tion is made by or with the consent of all the parties plaintiff or defendant, as
 5 the case may be: *Provided*, that in an action of eminent domain, when the ap-
 6 plication is by or against all the owners of any parcel of property to be con-
 7 demned, a change of venue may be made of so much of the action as affects
 8 them, if it can be done without prejudice to the other defendants or plaintiffs
 9 in such action.

Sec. 305. EQUITABLE TERMS AND CONDITIONS.] The order for a change of
 2 venue may be made subject to such equitable terms and conditions as safety
 3 to the rights of the parties may seem to require and the court in its discre-
 4 tion may prescribe.

Sec. 306. CLERK TO TRANSMIT RECORD—HOW RECORD MADE UP.] In every
 2 such case of change of venue the clerk of the court from which the change is
 3 granted shall, as soon as may be practicable, prepare and transmit to the clerk
 4 of the court to which the change of venue is granted, the record of the ac-
 5 tion, which shall consist of the following:

6 *First*—ORIGINAL PAPERS—EXCEPTION.] All original papers filed in the action
 7 certified to by the clerk as such original papers: *Provided, however*, that when
 8 a change of venue is granted in an action of eminent domain on behalf of a
 9 part of the defendants, in lieu of transmitting the original papers certified to
 10 as aforesaid, the clerk shall transmit certified copies of such of the original
 11 papers as pertain to that portion of the action with respect to which the venue
 12 is changed.

13 *Second*—ENTRIES IN REGISTER AND MINUTE BOOK.] An attested copy of the
 14 entries pertaining to the action in the register and minute book.

15 *Third*—ORDERS ENTERED IN FULL.] All orders in the action entered in full
 16 upon the record duly certified.

Sec. 307. CLERK TO FILE RECORD—ACTION TO PROCEED.] The clerk of the court

2 to which the change of venue is granted shall file the record transmitted to him
3 and docket the action, and such action shall be proceeded with and determined
4 in all things, as well before as after judgment, as if it were one of which such
5 court had original jurisdiction.

Sec. 308. WHEN GRANTED IN CRIMINAL ACTION.] A change of venue in any

2 criminal action may be had in any one of the following cases:

3 *First*—PREJUDICE OF JUDGE OR INHABITANTS.] When any defendant in any
4 indictment or information in any court of this State shall fear that he will
5 not receive a fair and impartial trial in the court in which the action is pend-
6 ing because the judge of the court is, or the inhabitants of the county in which
7 the action is pending are, prejudiced against him; in which case the court shall
8 award a change of venue upon the application of the defendant as hereinafter
9 provided.

10 *Second*—TO SECURE SPEEDY TRIAL.] Whenever, in the opinion of the court,
11 the speedy trial and disposition of the action will be promoted by the granting
12 of such change of venue. In such case the change of venue may be ordered by
13 the court either upon its own motion or upon the application of the defendant
14 or of the State's attorney.

Sec. 309. TO WHAT COURT GRANTED—COURT OF SEVERAL JUDGES—WHEN TO

2 COURT OF SAME COUNTY.] When a change of venue is granted it may be to some
3 other court of record of competent jurisdiction in the same county or in some
4 other convenient county to which there is no valid objection: *Provided*, that
5 when the action is pending in a court of which there are several judges and
6 the cause for the change applies only to a judge of said court holding the court
7 at the time of trial, the action may be tried by any other of the judges of said
8 court to whom the cause alleged does not apply; and *provided, further*, that
9 when a change of venue is granted because, in the opinion of the court, the

10 speedy trial and disposition of the action will be promoted thereby, it shall only
 11 be granted to some court of competent jurisdiction in the same county. Any
 12 court shall be deemed a court of competent jurisdiction within the meaning of
 13 this Act which is authorized by law to try and to dispose of cases transferred
 14 to it by changes of venue, but no such change of venue shall be granted to
 15 any city court or municipal court, unless it shall appear from the indictment
 16 or information that the offense with which the defendant is charged was com-
 17 mitted within the city in and for which such city court or municipal court is
 18 established.

Sec. 310. APPLICATION TO BE MADE BY PETITION.] Every application for a
 2 change of venue made on account of the prejudice of the judge, or on account
 3 of the prejudice of the inhabitants of the county, shall be by petition setting
 4 forth the cause of the application and praying for a change of venue, which
 5 petition shall be verified by the affidavit of the defendant. In all other cases
 6 the application shall be made by motion, either of the State's attorney or of
 7 the defendants, and the order of the court granting such change shall be final
 8 and conclusive.

Sec. 311. WHEN AFFIDAVITS TO ACCOMPANY PETITION—WHEN VENUE NOT
 2 TO BE CHANGED FROM COUNTY.] When the cause for a change of venue is the
 3 prejudice of the judge, or any two or more of them, the petition shall be ac-
 4 companied by the affidavits of at least two reputable persons, residents of the
 5 county and not of kin or counsel to the applicant, stating that they believe
 6 the judge, or any two or more of them, as the case may be, are so prejudiced
 7 against the applicant that he cannot have a fair and impartial trial, and there-
 8 upon the action may be tried by any other of the judges of the court in which the
 9 same is pending and the venue shall not be changed from the county in which
 10 the indictment is found in such case.

Sec. 312. REQUISITES OF PETITION WHEN CAUSE IS PREJUDICE OF INHABITANTS.]

2 When the cause for the change of venue is the prejudice of the inhabitants of
 3 the county against the defendant, his petition shall set forth the facts on which
 4 he founds his belief and the attorney on behalf of the people may deny the
 5 facts stated in the petition and support his denial by counter affidavits; and
 6 the court may grant or deny the petition as shall appear to be according to the
 7 right of the case.

Sec. 313. TO WHAT COURT APPLICATION TO BE MADE—NOTICE.] The applica-

2 tion shall be made to the court in which the action is pending after reasonable
 3 notice of the application has been given to the State's attorney.

Sec. 314. NOTICE WHEN APPLICATION MADE AFTER THIRTY DAYS.] No appli-

2 cation for a change of venue made after the lapse of thirty (30) days from the
 3 returning of the indictment or the filing of the information shall be allowed
 4 when made on account of the prejudice of the judge or on account of the pre-
 5 judice of the inhabitants, unless the applicant shall have given to the State's
 6 attorney at least ten (10) days' previous notice of his intention to make such
 7 application, except where the cause has arisen or come to the knowledge of the
 8 applicant within less than ten (10) days before the making of the application.

Sec. 315. WHEN APPLICATION NOT GRANTED AFTER LAPSE OF THIRTY DAYS.]

2 No change of venue on account of the prejudice of the judge or on account of
 3 the prejudice of the inhabitants of the county shall be granted after the lapse
 4 of thirty (30) days after the returning of the indictment or the filing of the
 5 information, unless the applicant shall show that the causes for which
 6 a change of venue is asked have arisen or come to his knowledge since the
 7 lapse of such thirty (30) days.

Sec. 316. ONLY ONE CHANGE TO SAME DEFENDANT.] No more than one change

2 of venue shall be granted to the same defendant.

Sec. 317. CLERK TO TRANSMIT RECORD—HOW RECORD MADE UP.] In every case

2 of change of venue in a criminal action the clerk of the court from which the
3 change is granted shall, as soon as may be practicable, prepare and transmit to
4 the clerk of the court to which the change is granted the record of the action,
5 which record shall consist of the following:

6 *First*—ORIGINAL PAPERS.] All original papers filed in the action duly cer-
7 tified by the clerk to be such originals: *Provided*, that, when the change of venue
8 is granted to a part but not to all of several defendants, certified copies of
9 the indictment or information and of the other papers filed in the action shall
10 be transmitted to the clerk of the court to which the change of venue is ordered
11 in lieu of the originals.

12 *Second*—ENTRIES IN REGISTER AND MINUTE BOOK.] An attested copy of the
13 entries in such action contained in the register and minute book.

14 *Third*—ORDERS ENTERED OF RECORD.] Copies of all orders entered at large
15 upon the record in such action duly certified.

Sec. 318. CLERK TO FILE RECORD—ACTION TO PROCEED.] The clerk of the

2 court to which the venue is changed shall file the record transmitted to him
3 and docket the action, and such action shall be proceeded with and determined
4 in all things, as well before as after judgment, as if it had originated in such
5 court.

Sec. 319. PROCEDURE WHEN APPLICANT IS IN CUSTODY.] When the applicant

2 is in custody or confined in jail and the venue is changed to another county than
3 that in which the action is pending, the court shall make an order to the sheriff
4 or other officer having the custody of the applicant to remove his body to the
5 common jail of the county to which the venue is changed and there deliver him
6 to the keeper of said jail, together with the warrant by virtue of which he is
7 confined or held in custody, within such time after the entry of the order as
8 the court may direct; and the sheriff shall obey such order and shall endorse

9 on such warrant of commitment the reason of the change of custody and shall
 10 deliver such warrant with the body of the prisoner to the keeper of the jail of
 11 the proper county, who shall receive the same and give to the sheriff a receipt
 12 therefor, and shall take charge of and keep the prisoner in the same manner
 13 as if he had been originally committed to his custody.

Sec. 320. PARTIES, ETC., TO ATTEND COURT TO WHICH VENUE IS CHANGED.]

2 When the venue shall be changed in any criminal action, the parties and at-
 3 torneys and all others who may have entered into recognizance to attend the
 4 trial of such action, having notice of the change of venue, must attend at the
 5 time and place at which the trial is to be had according to such change, and a
 6 failure to do so shall work a forfeiture of the recognizance.

Sec. 321. WITNESSES TO BE RECOGNIZED.] When the venue is changed the

2 State's attorney shall have all the witnesses on the part of the prosecution
 3 recognized to appear at the court to which the change is ordered at such time
 4 as may be prescribed therefor by the court ordering the change of venue.

Sec. 322. CLERK TO MAKE STATEMENT OF COSTS, ETC.—EXPENSES TO BE PAID BY

2 COUNTY IN WHICH INDICTMENT OR INFORMATION IS FOUND OR FILED.] Upon the
 3 termination of any trial when a change of venue has been obtained to a county
 4 other than that in which the case has originated, the clerk of the court in which
 5 the trial is had shall make out a true and correct statement of all the costs, fees
 6 and all other necessary charges, claims and expenses of the county in which the
 7 trial is had resulting from such change of venue, or growing out of and incident
 8 to the trial of such action, or required in executing any and all orders of the court
 9 made in said action, which have been paid by the county in which the trial is
 10 had and for which said county is liable; and such account shall be duly certified
 11 to by said clerk and when so certified shall be paid by the county in which such
 12 indictment or information is found or filed to the county in which the trial

13 is had; and all fines imposed and collected in the county where the trial is had
 14 shall be paid over to the county in which the indictment or information was
 15 found or filed.

Sec. 323. TRANSCRIPT MAY BE FILED AND EXECUTION ISSUED.] Upon the entry
 2 of a judgment or decree in any civil or quasi criminal action in which the venue
 3 has been changed, it shall be lawful for the party in whose favor such judgment
 4 or decree is rendered to file in the office of the clerk of the court where the action
 5 was instituted a transcript of such judgment or decree and said clerk shall
 6 enter the same in his judgment docket and execution may issue thereon and the
 7 same shall, from the time of filing such transcript, have the same operation and
 8 effect and be enforced in the same manner as if originally recovered in such
 9 court.

Sec. 324. QUESTIONS WAIVED AFTER TRIAL AND VERDICT.] All questions con-
 2 cerning the regularity in obtaining changes of venue in any action, whether civil.
 3 quasi criminal or criminal, and the right of the court to which the change is
 4 made to try the action and execute the judgment shall be considered as waived
 5 after trial and verdict.

Sec. 325. ACTION COMMENCED IN WRONG COURT OR COUNTY.] Whenever any
 2 action shall hereafter be commenced in any court of record in this State and
 3 it shall appear to the court where the same is pending that the same has been
 4 commenced in the wrong court or county, then, upon motion of either or any of
 5 the parties to such action, the court shall change the venue of such action to the
 6 proper court or county and the same, when the venue shall be so changed, shall
 7 be then pending and triable in such court or county to which the same shall be
 8 so changed the same as in other cases of change of venue: *Provided, that,*
 9 where either party to such action shall procure the change of venue as herein
 10 provided for, the court shall require the plaintiff in said action to pay all costs
 11 in such action up to and including the costs of the change of venue.

Sec. 326. SPECIFICATION OF JUDGE AS INELIGIBLE.] In any civil or quasi

2 criminal action commenced in any court of record in which there are three or
3 more branches being held at the same time the plaintiff, at the time of the com-
4 mencement of the action, and the defendant at the time he enters his appear-
5 ance, shall have the right to specify by name one of said judges as ineligible for
6 the trial or hearing of the action. Such specification shall be in writing and, if
7 made by the plaintiff, shall be united with his praecipe, or be indicated by a
8 note to his petition, or bill of complaint, and if made by the defendant shall be
9 united with his appearance. In a case in which there are several defendants
10 entering separate appearances the right to such specification shall belong to the
11 defendant first filing the same. No judge thus specified as ineligible shall in any
12 manner take part in the trial or hearing of such action or in any proceeding
13 therein. Such specification may be in substantially the following form:

14 “Hon. John Jones shall be ineligible.”

Sec. 327. FORMS OF PETITIONS, NOTICES AND RECOGNIZANCE.] The following

2 forms of petitions, and motion and stipulation for changes of venue, notices of
3 applications therefor, and form of recognizance shall be deemed sufficient and
4 shall be taken as furnishing suggestions from which other petitions, stipula-
5 tions, notices and recognizances may be properly framed:

6 1. PETITION FOR CHANGE OF VENUE IN CIVIL ACTION ON ACCOUNT OF PREJUDICE
7 OF JUDGE.

8 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

9 John Doe
10 v.
11 Richard Roe. } Contract. No. 215.

12 PETITION FOR CHANGE OF VENUE.

13 Richard Roe, the defendant, says that he fears he will not receive a fair trial
14 in said court before the Hon. John Jones, one of the judges of said court, on

15 account that the said judge is prejudiced against him so that he cannot expect
 16 a fair trial in said court before said judge and that a knowledge of such preju-
 17 dice did not come to him until February 24, 1908.

18 Wherefore the defendant prays a change of venue.

19 RICHARD ROE.

20 Richard Roe, the defendant, on his oath says that the facts set forth in the
 21 foregoing petition by him subscribed are true in substance and in fact.

22 RICHARD ROE.

23 Subscribed and sworn to before me this 25th day of February, 1908.

24 JOHN SMITH, *Clerk.*

25 2. PETITION FOR CHANGE OF VENUE IN CIVIL ACTION ON ACCOUNT OF PREJUDICE
 26 OF INHABITANTS.

27 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

28 John Doe
 29 v.
 30 Richard Roe. } Contract. No. 215.

31 PETITION FOR CHANGE OF VENUE.

32 Richard Roe, the defendant, says that he fears he will not receive a fair
 33 trial in said court for the reason that the inhabitants of said county of Cook
 34 are prejudiced against him so that he cannot expect a fair trial in said court
 35 and that he did not ascertain the existence of such prejudice until within the
 36 last ten days.

37 The defendant further says that he founds his belief upon the fol-
 38 lowing facts, to-wit:

39 (Here set forth facts upon which the belief is founded.)

40 Wherefore the defendant prays a change of venue.

41 RICHARD ROE.

42 Richard Roe, the defendant, on his oath, says that the facts set forth in the
 43 foregoing petition by him subscribed are true in substance and in fact.

44 RICHARD ROE.

45 Subscribed and sworn to before me this 18th day of February, 1908.

46 JOHN SMITH, *Clerk.*

47 3. PETITION FOR CHANGE OF VENUE IN CIVIL ACTION ON ACCOUNT OF UNDUE IN-
48 FLUENCE OF PLAINTIFF OVER INHABITANTS OF COUNTY.

49 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

50	John Doe	} Contract. No. 215.
51	v.	
52	Richard Roe.	

53 PETITION FOR CHANGE OF VENUE.

Richard Roe, the defendant, says that he fears he will not receive a fair trial in said court for the reason that John Doe, the plaintiff, has an undue influence over the minds of the inhabitants of said county of Cook, so that defendant cannot expect a fair trial in said court and that he did not ascertain the existence of such influence until within the last ten days.

59 The defendant further says ~~that~~ he founds his belief upon the following
60 facts, to-wit:

61 (Here set forth facts upon which the belief is founded.)

62 Wherefore defendant prays a change of venue.

63 RICHARD ROE.

64 Richard Roe, the defendant, on his oath, says that the facts set forth in the
65 foregoing petition by him subscribed are true in substance and in fact.

66 RICHARD ROE.

67 Subscribed and sworn to before me this 18th day of February, 1908.

68 JOHN SMITH, *Clerk.*

69 4. MOTION AND STIPULATION FOR CHANGE OF VENUE IN CIVIL ACTION.

70 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

71	John Doe	} Contract. No. 215.
72	v.	
73	Richard Roe.	

74 MOTION FOR CHANGE OF VENUE.

75 This day the defendant moves the court that the venue herein be changed
76 from the Hon. John Jones, Judge, and that the action be tried before one of the
77 other judges of the court.

78 GEORGE THOMAS,
79 *Attorney for Defendant.*

STIPULATION.

It is hereby stipulated that the foregoing motion be allowed.

HENRY SMITH,

Attorney for Plaintiff.

GEORGE THOMAS,

Attorney for Defendant.

NOTE.

If the application is for a change of venue to another court the motion may read as follows:

This day the defendant moves the court that the venue herein be changed to the municipal court of Chicago.

5. PETITION FOR CHANGE OF VENUE IN CRIMINAL ACTION ON ACCOUNT OF PREJUDICE OF JUDGE.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois

v.

Richard Roe.

} Criminal. No. 406.

PETITION FOR CHANGE OF VENUE.

Richard Roe, the defendant, says that he fears he will not receive a fair trial in said court before the Hon. John Jones, one of the judges of said court, on account that the said judge is prejudiced against him so that he cannot expect a fair trial in said court before said judge, and that a knowledge of such prejudice did not come to him until February 24, 1908.

Wherefore the defendant prays a change of venue.

RICHARD ROE.

Richard Roe, the defendant, on his oath says that the facts set forth in the foregoing petition by him subscribed are true in substance and in fact.

RICHARD ROE.

Subscribed and sworn to before me this 25th day of February, 1908.

JOHN SMITH, *Clerk.*

William Thomas and Henry Thomas on their several oaths say that they are reputable persons, residents of said county of Cook and not of kin or counsel to the defendant, Richard Roe, and that they believe that the Hon. John Jones,

113 one of the judges of said criminal court, is so prejudiced against said Richard
114 Roe that he cannot have a fair and impartial trial in said court before said judge.

115 WILLIAM THOMAS.

116 HENRY THOMAS.

117 Subscribed and sworn to before me this 25th day of February, 1908.

118 JOHN SMITH, *Clerk.*

119 6. PETITION FOR CHANGE OF VENUE IN CRIMINAL ACTION ON ACCOUNT OF PREJU-
120 DICE OF INHABITANTS OF COUNTY.

121 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

122	The People of the State of Illinois	}	Criminal. No. 560.
123	v.		
124	Richard Roe.		

125 PETITION FOR CHANGE OF VENUE.

126 Richard Roe, the defendant, says that he fears he will not receive a fair
127 trial in said court for the reason that the inhabitants of said county of Cook
128 are prejudiced against him so that he cannot expect a fair trial in said court;
129 and that he did not ascertain the existence of such prejudice until within the
130 last ten days.

131 The defendant further says that he founds his belief on the following facts:
132 (Here set forth facts on which the belief is founded.)

133 Wherefore the defendant prays a change of venue.

134 RICHARD ROE.

135 Richard Roe, the defendant, on his oath says that the facts set forth in the
136 foregoing petition by him subscribed are true in substance and in fact.

137 RICHARD ROE.

138 Subscribed and sworn to before me this 25th day of February, 1908.

139 JOHN SMITH, *Clerk.*

140 7. NOTICE OF APPLICATION FOR A CHANGE OF VENUE IN A CIVIL ACTION.

141 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

142	John Doe	}	Replevin. No. 48.
143	v.		
144	Richard Roe.		

145 NOTICE.

146 To the plaintiff in the above entitled action:

147 You are hereby notified that at ten o'clock a. m. on Thursday, the 26th day

148 of February, 1908, I shall move the court, before Hon. John Jones, for a change
149 of venue.

150

RICHARD ROE,

151

BY WILLIAM SMITH,

152

His Attorney.

153

8. NOTICE OF APPLICATION FOR CHANGE OF VENUE IN A CRIMINAL ACTION.

154

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

155 The People of the State of Illinois

156 v.

157 Richard Roe.

} Criminal. No. 40.

158

NOTICE.

159

To the State's attorney of Cook county:

160

You are hereby notified that at ten o'clock a. m. on Thursday, the 26th day
161 of February, 1908, I shall move the court before Hon. John Jones, for a change
162 of venue.

163

RICHARD ROE,

164

BY WILLIAM SMITH,

165

His Attorney.

166

9. RECOGNIZANCE OF WITNESS IN CRIMINAL ACTION UPON CHANGE OF VENUE TO
167 ANOTHER COUNTY.

168

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

169 The People of the State of Illinois

170 vs.

171 Richard Roe.

} Criminal. No. 60.

172

RECOGNIZANCE.

173

This day personally appeared before the undersigned, one of the judges of
174 the circuit court of Cook county, John Doe and acknowledged himself to owe
175 and to be indebted unto the People of the State of Illinois in the penal sum of
176 two hundred dollars (\$200) to be levied of his goods and chattels, lands and
177 tenements in such manner as the law directs.

178

The condition of this recognizance is such that if the above bounden John
179 Doe shall personally be and appear before the circuit court of Will county, Illinois,
180 at the county court house in Joliet, in said county, at nine o'clock, a. m., on the 20th
181 day of March, 1908, and from day to day thereafter until excused from further

DIVISION XXII.

LIMITATIONS.

SECTION

- 328. Action at law to recover lands.
- 329. From what date twenty years computed.
- 330. When right of entry or action first accrues.
- 331. Possession by actual residence with record title.
- 332. Heirs, devisees and assigns to have benefit of preceding section.
- 333. Possession under claim and color of title.
- 334. Color of title and payment of taxes on vacant land.
- 335. Exceptions as to land owned by United States, this State, etc.
- 336. Exceptions in favor of infants, etc.
- 337. Exceptions in favor of heirs of persons under disability.
- 338. Slander or libel.
- 339. Personal injuries—death by wrongful act, etc.—penalties, etc.
- 340. Abduction—seduction—criminal conversation.
- 341. Oral contracts—injuries to real or personal property.
- 342. Written contracts—payment—new promise.
- 343. Actions in equity.
- 344. Set off or counter claim may be asserted though barred.

SECTION

- 345. Absence from State deducted—exceptions.
- 346. Extensions of time in case of death or insanity.
- 347. Cause of action arising out of this State.
- 348. Exception in favor of infants, lunatics, etc.
- 349. Fraudulent concealment of cause of action.
- 350. When action stayed time does not run.
- 351. Further time given in case of reversal, etc.
- 352. Amendment not barred by lapse of time when.
- 353. Delay less than limitation period not to bar action in equity.
- 354. Civil action by people not to be barred.
- 355. Murder or manslaughter.
- 356. Arson or forgery.
- 357. Other felonies.
- 358. Misdemeanors, fines and forfeitures.
- 359. Absence from State—when not included.
- 360. When time of pendency of prior indictment, etc., not reckoned.
- 361. When prosecution deemed instituted.

Sec. 328. ACTION AT LAW TO RECOVER LANDS.] No person shall commence

2 an action at law for the recovery of lands, nor make any entry thereon, unless
 3 within twenty years after the right to bring such action or make such entry
 4 first accrued, or within twenty years after he or those from, by or under whom
 5 he claims, have been seized or possessed of the premises, except as hereinafter
 6 provided.

Sec. 329. FROM WHAT DATE TWENTY YEARS COMPUTED.] If such right or title
 2 first accrued to an ancestor or predecessor of the person who brings the action
 3 or makes the entry, or to any person from, by or under whom he claims, the
 4 twenty years shall be computed from the time when the right or title so first ac-
 5 crued.

Sec. 330. WHEN RIGHT OF ENTRY OR ACTION FIRST ACCRUES.] The right to
 2 make an entry or bring an action at law to recover land shall be deemed to have
 3 first accrued at the times respectively hereinafter mentioned, that is to say:

4 *First*—PERSON DISSEIZED.] When any person is disseized, his right of entry
 5 or of action shall be deemed to have accrued at the time of such disseizin.

6 *Second*—HEIR OR DEVISEE.] When he claims as heir or devisee of one who
 7 died seized his right shall be deemed to have accrued at the time of such death,
 8 unless there is a dower or other estate intervening after the death of such an-
 9 cestor or devisor, in which case his right shall be deemed to accrue when such
 10 intermediate estate expires, or when it would have expired by its own limita-
 11 tions.

12 *Third*—INTERMEDIATE ESTATE, ETC.] When there is such an intermediate es-
 13 tate, and in all other cases when the party claims by force of any remainder or
 14 reversion, his right, so far as it is affected by the limitation herein prescribed,
 15 shall be deemed to accrue when the intermediate or precedent estate would have
 16 expired by its own limitation, notwithstanding any forfeiture thereof for which
 17 he might have entered at an earlier time.

18 *Fourth*—FORFEITURE.] The preceding clause shall not prevent a person
 19 from entering when entitled to do so by reason of any forfeiture or breach of
 20 condition; but if he claims under such title, his right shall be deemed to have
 21 accrued when the forfeiture was incurred or the condition broken.

22 *Fifth*—OTHER CASES.] In all other cases not otherwise specially provided
 23 for, the right shall be deemed to have accrued when the claimant or the person

24 under whom he claims first became entitled to the possession of the premises
 25 under the title upon which the entry or the action is founded.

Sec. 331. POSSESSION BY ACTUAL RESIDENCE WITH RECORD TITLE.] Actions at
 2 law brought for the recovery of any lands, tenements or hereditaments of which
 3 any person may be possessed by actual residence thereon for seven successive
 4 years, having a connected title in law or equity, deducible of record from this
 5 State or the United States, or from any public officer or other person authorized
 6 by the laws of this State to sell such lands for the non-payment of taxes, or
 7 from any sheriff, marshal or other person authorized to sell such lands on ex-
 8 ecution, or under any order, judgment or decree of any court of record, shall be
 9 brought within seven years next after possession being taken as aforesaid; but
 10 when the possessor shall acquire such title after taking such possession, the
 11 limitation shall begin to run from the time of acquiring title.

Sec. 332. HEIRS, DEVISEES AND ASSIGNS TO HAVE BENEFIT OF PRECEDING SEC-
 2 TION.] The heirs, devisees and assigns of the person having such title and pos-
 3 session shall have the same benefit of the preceding section as the person from
 4 whom the possession was derived.

Sec. 333. POSSESSION UNDER CLAIM AND COLOR OF TITLE.] Every person in
 2 the actual possession of lands or tenements, under claim and color of title, made
 3 in good faith, and who shall, for seven successive years, continue in such pos-
 4 session and shall also, during said time, pay all taxes legally assessed on such
 5 lands or tenements, shall be held and adjudged to be the legal owner of said
 6 lands or tenements, to the extent and according to the purport of his or her paper
 7 title. All persons claiming under such possession, by purchase, devise or de-
 8 scent, before said seven years shall have expired, and who shall continue such
 9 possession and shall continue to pay the taxes as aforesaid, so as to complete
 10 the possession and payment of taxes for the term aforesaid, shall be entitled to
 11 the benefit of this section.

Sec. 334. COLOR OF TITLE AND PAYMENT OF TAXES ON VACANT LAND.] When-

2 ever a person having color of title, made in good faith, to vacant and unoccupied
 3 land, shall pay all taxes legally assessed thereon for seven successive years, he or
 4 she shall be deemed and adjudged to be the legal owner of said vacant and un-
 5 occupied land to the extent and according to the purport of his or her paper
 6 title. All persons holding under such taxpayer by purchase, devise or descent,
 7 before said seven years shall have expired, and who shall continue to pay the
 8 taxes, as aforesaid, so as to complete the payment of taxes for the term afore-
 9 said, shall be entitled to the benefit of this section: *Provided, however, that, if*
 10 any person, having a better paper title to said vacant and unoccupied land,
 11 shall, during the said term of seven years, pay the taxes assessed on said land
 12 for any one or more years of the said term of seven years, then and in that
 13 case such taxpayer, his heirs and assigns, shall not be entitled to the benefit of
 14 this section.

Sec. 335. EXCEPTIONS AS TO LAND OWNED BY UNITED STATES, THIS STATE, ETC.]

2 The two preceding sections shall not extend to the lands or tenements owned
 3 by the United States or of this State, nor to school and seminary lands, nor to
 4 lands held for the use of religious societies, nor to lands held for any public pur-
 5 pose. Nor shall they extend to lands or tenements when there shall be an ad-
 6 verse title to such lands or tenements and the holder of such adverse title is
 7 under the age of twenty-one years, imprisoned, out of the limits of the United
 8 States and in the employment of the United States or of this State: *Provided,*
 9 such person shall commence an action to recover such lands or tenements so
 10 possessed as aforesaid, within three years after the several disabilities herein
 11 enumerated shall cease to exist, and shall prosecute such action to judgment, or,
 12 in case of vacant and unoccupied land, shall, within the time last aforesaid, pay
 13 to the person or persons who have paid the same all the taxes, with interest there-
 14 on at the rate of seven per cent. per annum, that have been paid on said vacant
 15 and unimproved land.

Sec. 336. EXCEPTIONS IN FAVOR OF INFANTS, ETC.] If, at the time when such

2 right of entry or of action upon or for lands first accrues, the person entitled
 3 to such entry or action is within the age of twenty-one years, or, if a female, of
 4 the age of eighteen years, or insane, imprisoned or absent from the United
 5 States in the service of the United States or of this State, such person, or any
 6 one claiming from, by or under him or her, may make the entry or bring the ac-
 7 tion at any time within two years after such disability is removed, notwith-
 8 standing the time before limited in that behalf has expired.

Sec. 337. EXCEPTIONS IN FAVOR OF HEIRS OF PERSONS UNDER DISABILITY.] If

2 the person first entitled to make entry or bring such action dies during the
 3 continuance of any of the disabilities mentioned in the preceding section, and
 4 no determination or judgment has been had of or upon the title, right or action
 5 which accrued to him, the entry may be made or the action brought by his heirs,
 6 or any person claiming from, by or under him, at any time within two years
 7 after his death, notwithstanding the time before limited in that behalf has ex-
 8 pired.

Sec. 338. SLANDER OR LIBEL.] Actions at law for slander or libel shall be

2 commenced within one year next after the cause of action accrued.

Sec. 339. PERSONAL INJURIES—DEATH BY WRONGFUL ACT, ETC.—PENALTIES,

2 ETC.] Actions at law for damages for an injury to the person or for the death
 3 of a person caused by wrongful act, neglect or default, or for false imprison-
 4 ment or malicious prosecution, or for a statutory penalty or for a fine or pen-
 5 alty for the violation of a municipal ordinance, shall be commenced within one
 6 year next after the cause of action accrued.

Sec. 340. ABDUCTION—SEDUCTION—CRIMINAL CONVERSATION.] Actions at law

2 for damages for abduction, or for seduction, or for criminal conversation,
 3 shall be commenced within two years next after the cause of action accrued.

Sec. 341. ORAL CONTRACTS—INJURIES TO REAL OR PERSONAL PROPERTY, ETC.]

2 Actions at law on unwritten contracts, express or implied, or on awards of arbi-
 3 trators, or to recover damages for injuries done to property, real or personal,
 4 or to recover the possession of personal property, or damages for the detention
 5 or conversion thereof, and all actions at law, criminal and quasi criminal ac-
 6 tions excepted, not otherwise provided for, shall be commenced within five
 7 years after the cause of action accrued.

Sec. 342. WRITTEN CONTRACTS—PAYMENT—NEW PROMISE.] Actions at law

2 on bonds, promissory notes, bills of exchange, written leases, written contracts,
 3 or other evidences of indebtedness in writing, shall be commenced within ten
 4 years next after the cause of action accrued, but if any payment or new promise
 5 to pay shall have been made in writing on any bond, note, bill, lease, contract
 6 or other written evidence of indebtedness within or after the said period of ten
 7 years, then an action at law may be commenced thereon at any time within
 8 ten years after the time of such payment or promise to pay.

Sec. 343. ACTIONS IN EQUITY.] Actions in equity shall be commenced within

2 the following periods:

3 *First*—FORECLOSURE OF MORTGAGE.] Every action to foreclose a mortgage
 4 or deed of trust and every action upon a contract in writing, other than an ex-
 5 press trust, shall be commenced within ten years after the cause of action ac-
 6 crues.

7 *Second*—EXPRESS TRUST.] Every action to enforce an express trust shall be
 8 commenced within ten years after actual knowledge by the cestui que trust of
 9 the existence of the trust and of the denial or repudiation of the trust by the
 10 trustee, or of his express refusal to perform the same or to remedy the breach
 11 thereof: *Provided, however, that* an action to enforce a charitable trust may
 12 be commenced at any time.

13 *Third*—RECOVERY OF REAL ESTATE.] Every action to recover real estate or
 14 any interest therein, other than an action to enforce an express trust, shall
 15 be commenced within the same period fixed by this Act for the recovery of lands
 16 by an action of law.

17 *Fourth*—WILL CONTEST.] Every action to contest the validity of a last will
 18 and testament or codicil by an issue whether a writing admitted to probate is
 19 the will of the testator or testatrix shall be commenced within one year after the
 20 probate of such last will and testament or codicil.

21 *Fifth*—ACTION TO QUIET TITLE.] Every action to quiet the title or to remove
 22 a cloud from the title to real estate brought by a party in possession of such
 23 real estate may be commenced at any time during the existence of the adverse
 24 claims to or clouds upon such title.

25 *Sixth*—OTHER ACTION.] Every other action shall be commenced within five
 26 years after the cause of action accrues, excepting that an action to obtain relief
 27 on account of fraud, actual or constructive, or mistake, may be commenced at
 28 any time within five years after the discovery by the plaintiff of such fraud or
 29 mistake, and that an action to enforce a constructive trust or resulting trust
 30 may be commenced at any time within five years after actual knowledge by the
 31 plaintiff of the facts constituting the constructive trust or resulting trust.

Sec. 344. SET-OFF OR COUNTER-CLAIM MAY BE ASSERTED THOUGH BARRED.] A
 2 defendant may assert a set-off or counter-claim barred by the statute of limita-
 3 tions while held and owned by him to any action, the cause of which was owned
 4 by the plaintiff or person under whom he claims before such set-off or counter-
 5 claim was so barred and not otherwise: *Provided*, that this section shall not
 6 affect the rights of a bona fide assignee of a negotiable instrument assigned
 7 before due.

Sec. 345. ABSENCE FROM STATE DEDUCTED—EXCEPTIONS.] If, when the cause
 2 of action accrues against a person, he is out of the State, the action may be com-

3 menced within the time herein limited after his coming into or return to the
 4 State; and if, after the cause of action accrues, he departs from and resides
 5 out of the State, the time of his absence is no part of the time limited for
 6 the commencement of the action. But the foregoing provision of this section
 7 shall not apply to any case where, at the time the cause of action accrued or
 8 shall accrue, neither the party against nor in favor of whom the same accrued
 9 or shall accrue were or are residents of this State.

Sec. 346. EXTENSION OF TIME IN CASE OF DEATH OR INSANITY.] If a person
 2 entitled to bring an action die or become insane before the expiration of the
 3 time limited for the commencement thereof, an action may be commenced by
 4 his representatives, next friend or conservator, after the expiration of that
 5 time and within one year from his death or his becoming insane. If a person
 6 against whom an action may be brought die before the expiration of the time
 7 limited for the commencement thereof, an action may be commenced against
 8 his executor or administrator after the expiration of that time and within one
 9 year after the executor of the will, or administrator, qualifies.

Sec. 347. CAUSE OF ACTION ARISING OUT OF THIS STATE.] When the cause of
 2 action has arisen in a state or territory other than this State or in a foreign
 3 country, and by the laws thereof an action thereon cannot be maintained by
 4 reason of the lapse of time, an action thereon shall not be maintained in this
 5 State.

Sec. 348. EXCEPTION IN FAVOR OF INFANTS, LUNATICS, ETC.] If the person
 2 entitled to bring an action mentioned in either of the nine preceding sections
 3 is, at the time the cause of action accrues, within the age of twenty-one years,
 4 or within the age of eighteen years, if a female, or is insane or imprisoned on
 5 a criminal charge, he or she may bring the action within two years after the
 6 disability is removed.

Sec. 349. FRAUDULENT CONCEALMENT OF CAUSE OF ACTION.] If a person liable
 2 to an action fraudulently conceals the cause of action from the knowledge of the
 3 person entitled thereto, or if the facts constituting the cause of action, at the
 4 time it arises, be unknown to the person entitled to such action, the time of such
 3 fraudulent concealment or ignorance of the facts constituting the cause of
 6 action shall not be part of the time limited for the commencement of the action.

Sec. 350. WHEN ACTION STAYED TIME DOES NOT RUN.] When the commence-
 2 ment of an action is stayed by injunction, order of a judge or court, or statutory
 3 prohibition, the time of the continuance of the injunction or prohibition is not
 4 part of the time limited for the commencement of the action.

Sec. 351. FURTHER TIME GIVEN IN CASE OF REVERSAL, ETC.] If, in any action
 2 at law, judgment be given for the plaintiff and the same be reversed upon
 3 writ of error or appeal, or if a verdict pass for the plaintiff and judgment be
 4 given against him, or if any action at law or in equity shall be dismissed for
 5 want of prosecution, then, if the time limited for bringing such action, shall
 6 have expired during the pendency thereof, the plaintiff or his heirs, executors
 7 or administrators, as the case may be, may commence a new action within one
 8 year after such judgment reversed or given against the plaintiff, or after the
 9 dismissal of the action for want of prosecution, as the case may be, and not
 10 after.

Sec. 352. AMENDMENT NOT BARRED BY LAPSE OF TIME WHEN.] Whenever an
 2 action at law or in equity shall have been commenced within the period fixed
 3 by this Act therefor the same shall not be defeated by reason of any amend-
 4 ment of any kind or character made in any paper or pleading filed in such ac-
 5 tion after the lapse of the period fixed by this Act for the commencement of
 6 such action, provided it shall appear to the satisfaction of the court that such
 7 amendment is made in good faith and for the purpose of enabling the plaintiff
 8 to maintain his action for the claim for which it was intended to be brought, and

9 that the application of the statute of limitations to such amendment would
10 work a manifest denial of justice.

Sec. 353. DELAY LESS THAN LIMITATION PERIOD NOT TO BAR ACTION IN EQUITY.]

2 No action in equity shall be dismissed on account of any delay in the bringing
3 of the same less than the period hereinbefore fixed for the bringing of such ac-
4 tion.

Sec. 354. CIVIL ACTION BY PEOPLE NOT TO BE BARRED.] No action, a criminal

2 or quasi criminal action excepted, brought in the name of the people of the
3 State of Illinois shall be barred by lapse of time, anything in this Act con-
4 tained to the contrary notwithstanding.

Sec. 355. MURDER OR MANSLAUGHTER.] A prosecution for the crime of mur-

2 der or manslaughter may be instituted at any period after the death of the
3 person alleged to have been killed.

Sec. 356. ARSON OR FORGERY.] A prosecution for the crime of arson or

2 forgery may be instituted at any time after the commission of the crime.

Sec. 357. OTHER FELONIES.] A prosecution for any other felony must be

2 instituted within three years next after the commission of the crime, except as
3 otherwise provided by law.

Sec. 358. MISDEMEANORS, FINES AND FORFEITURES.] Every prosecution for

2 a misdemeanor, or for any fine or forfeiture under any penal statute, shall
3 be commenced within one year and six months from the time of committing
4 the offense or incurring the fine or forfeiture, except as is otherwise provided
5 by law.

Sec. 359. ABSENCE FROM STATE—WHEN NOT INCLUDED.] No period during

2 which the party charged was not usually and publicly resident within this State
3 shall be included within the time of limitation.

Sec. 360. WHEN TIME OF PENDENCY OF PRIOR INDICTMENT, ETC., NOT RECK-
 2 ONED.] When an indictment, information, complaint or action is quashed or the
 3 proceedings on such indictment, information, complaint, or action are set aside
 4 or reversed on writ of error, the time during the pendency of such indictment,
 5 information, complaint or action so quashed, set aside or reversed, shall not
 6 be reckoned within the time limited by this Act so as to bar any new indict-
 7 ment, information, complaint or action for the same offense.

Sec. 361. WHEN PROSECUTION DEEMED INSTITUTED.] A prosecution shall be
 2 deemed instituted within the meaning of this Act upon the filing in a court of
 3 competent jurisdiction of a complaint under oath charging the defendant with
 4 the offense for which such prosecution is instituted, or upon the filing in a court
 5 of competent jurisdiction of an information as provided for in this Act charg-
 6 ing him with the offense for which such prosecution is instituted.

DIVISION XXIII.

FRAUDS AND PERJURIES.

SECTION

- 362. Writing—how signed.
- 363. Land—writing—how signed.
- 364. Consideration—proof.
- 365. Fraudulent conveyances, etc.
- 366. Innocent purchaser.
- 367. Conveyance of personalty — when fraudulent.

SECTION

- 368. Loan—reservation, etc., of personalty —when fraudulent.
- 369. Bona fide sales.
- 370. Trust, etc., to be in writing—resulting trusts.
- 371. Wills, etc.—against whom fraudulent.

Sec. 362. WRITING—HOW SIGNED.] No action shall be brought, whereby
 2 to charge any executor or administrator upon any special promise to answer

3 any debt or damage out of his own estate, or whereby to charge the defendant
 4 upon any special promise to answer for the debt, default or miscarriage of
 5 another person, or to charge any person upon any agreement made upon consider-
 6 ation of marriage, or upon any agreement that it is not to be performed within
 7 the space of one year from the making thereof, unless the promise or agree-
 8 ment upon which such action shall be brought, or some memorandum or note
 9 thereof, shall be in writing, and signed by the party to be charged therewith,
 10 or some other person thereunto by him lawfully authorized.

Sec. 363. LAND—WRITING—HOW SIGNED.] No action shall be brought to
 2 charge any person upon any contract for the sale of lands, tenements or here-
 3 ditaments or any interest in or concerning them, for a longer term than one
 4 year, unless such contract or some memorandum or note thereof shall be
 5 in writing, and signed by the party to be charged therewith, or some other
 6 person thereunto by him lawfully authorized in writing, signed by such party.
 7 This section shall not apply to sales upon execution or by any officer or per-
 8 son pursuant to a decree or order of any court of record in this State.

Sec. 364. CONSIDERATION—PROOF.] The consideration of any such promise
 2 or agreement need not be set forth or expressed in writing, but may be proved
 3 or disproved by parol or other legal evidence.

Sec. 365. FRAUDULENT CONVEYANCES, ETC.] Every gift, grant, conveyance,
 2 assignment or transfer of, or charge upon any estate, real or personal, or
 3 right or thing in action, or any rent or profit thereof, made with the intent to
 4 disturb, delay, hinder or defraud creditors or other persons, and every bond
 5 or other evidence of debt given, suit commenced, decree or judgment suffered,
 6 with like intent, shall be void as against such creditors, purchasers and other
 7 persons.

Sec. 366. INNOCENT PURCHASER.] The foregoing section shall not affect
 2 the title of a purchaser for a valuable consideration, unless it appear that he
 3 had notice of the fraudulent intent of his immediate grantor, or of the fraud
 4 rendering void the title of such grantor.

Sec. 367. CONVEYANCE OF PERSONALTY—WHEN FRAUDULENT.] Every con-
 2 veyance of goods and chattels on consideration not deemed valuable in law
 3 shall be taken to be fraudulent, unless the same be by will duly proved and
 4 recorded, or by deed in writing duly acknowledged or proved, and recorded
 5 as in the case of deeds of real estate, or unless possession shall really and bona
 6 fide remain with the donee.

Sec. 368. LOAN—RESERVATION, ETC., OF PERSONALTY — WHEN FRAUDULENT.]
 2 When any loan of goods and chattels shall be pretended to have been made to any
 3 person, with whom, or those claiming under him, possession shall have remained
 4 for the space of five years, without demand made and pursued by due process of
 5 law, on the part of the pretended lender, or where any reservation or limitation
 6 shall be pretended to have been made of any use or property by way of condition,
 7 reservation, remainder or otherwise, in goods or chattels, the possession there-
 8 of shall have remained in another as aforesaid the same shall be taken, as to
 9 creditors and purchasers of the person aforesaid so remaining in possession,
 10 to be fraudulent, and that the absolute property is with the possession, unless
 11 such loan, reservation or limitation of use or property were declared by will
 12 or deed in writing, proved and recorded as aforesaid.

Sec. 369. BONA FIDE SALES.] The provisions of the preceding section shall
 2 not extend to any estate or interest in any lands, goods or chattels, or any
 3 rents, common or profit, out of the same, which shall be upon good considera-
 4 tion, and bona fide lawfully conveyed or assured to any person, bodies politic
 5 or corporate.

Sec. 370. TRUSTS, ETC., TO BE IN WRITING—RESULTING TRUSTS.] All declarations or creations of trusts or confidences of any lands, tenements or hereditaments, shall be manifested and proved by some writing signed by the party who is by law enabled to declare such trust, or by his last will in writing, or else they shall be utterly void and of no effect: *Provided*, that resulting trusts or trusts created by construction, implication or operation of law, need not be in writing and the same may be proved by parol.

Sec. 371. WILLS, ETC., AGAINST WHOM FRAUDULENT.] All wills and testaments, limitations, dispositions or appointments of, or concerning any lands and tenements, or of any rent, profit, term or charge, out of the same, whereof any person, at the time of his decease, shall be seized in fee simple, in possession, in reversion, or remainder, or have power to dispose of the same by his last will or testament, shall be deemed and taken (only as against the person, his heirs, successors, executors, administrators or assigns, and every of them, whose debts, suits, demands, estates and interests, by such will, testament, limitation, disposition or appointment as aforesaid, shall, or might be in any wise disturbed, hindered, delayed or defrauded), to be fraudulent, void and of no effect, any pretense, color, feigned or presumed consideration, or any other matter or thing to the contrary notwithstanding.

DIVISION XXIV.

INFORMATION IN ADVANCE OF TRIAL OR HEARING.

SECTION

- 372. Copies of contracts to be furnished when.
- 373. Party to permit inspection of original contract when—penalty for refusal.
- 374. Interrogatories to be answered by adverse party, etc., before trial—procedure.
- 375. Affidavit of cause of action or defenses.
- 376. When interrogatories to be filed as matter of course.
- 377. Form of interrogatories.
- 378. Copies of interrogatories to be attached to copy of summons.
- 379. Notice and copy of interrogatories to be served.
- 380. Interrogatories may be suppressed when.
- 381. Answers under oath—not to be conclusive.
- 382. When answers to be filed.
- 383. Interrogatories to be answered fully, etc.—procedure.
- 384. Additional interrogatories.
- 385. Copies of answers to be served.
- 386. Interrogatories to directors, etc.—how answered.
- 387. Procedure when interrogatories not answered fully.

SECTION

- 388. Actions for death, etc.—incapacity of plaintiff—examination of witnesses—inspection of premises.
- 389. Showing to be made to obtain order for examination.
- 390. Order for inspection of premises, etc.
- 391. Showing to be made to obtain order for inspection.
- 392. Notice of application for order.
- 393. Rights of defendant upon allowance of order.
- 394. Notice of examination of witnesses.
- 395. When depositions may be read in evidence.
- 396. How depositions taken.
- 397. Clerk to issue subpoenas.
- 398. Information as to matters of fact—how obtained.
- 399. Statement of facts expected to be proven.
- 400. By whom affidavit may be made.
- 401. Requisites of statement—form.
- 402. Requisites of denial—form.
- 403. Copy to be attached to summons when.
- 404. Time for filing denial.
- 405. Facts may be read in evidence when.

Sec. 372. COPIES OF CONTRACTS TO BE FURNISHED WHEN.] The plaintiff
 2 in any action at law brought for the recovery of money only, when the same
 3 is brought upon any contract in writing and a copy thereof is not filed with or
 4 embodied in the statement of claim, shall, upon demand, furnish to the de-
 5 fendant, and the defendant, when his defense shall be founded, in whole or in
 6 part, upon any contract in writing and a copy thereof is not filed with or em-
 7 bodied in his specification of defense or defenses, shall, upon demand, furnish

8 to the plaintiff, a copy of such contract in writing and take such party's receipt
 9 therefor and upon default thereof shall not be permitted to introduce in evi-
 10 dence, or otherwise make proof of, such contract in writing: *Provided, how-*
 11 *ever,* that the party demanding such copy shall file in the court in which the
 12 action is pending an affidavit showing that such party has no copy of such con-
 13 tract and shall serve a copy of such affidavit upon the adverse party.

Sec. 373. PARTY TO PERMIT INSPECTION OF ORIGINAL CONTRACT WHEN—PEN-
 2 ALTY FOR REFUSAL.] A plaintiff or a defendant in an action at law brought for
 3 the recovery of money and having in his possession or under his control the
 4 original of any contract upon which his action or defense is founded, shall per-
 5 mit the inspection thereof by the adverse party on demand, and, upon his fail-
 6 ing so to do, such adverse party may, upon application to the court, obtain an
 7 order for such inspection and the court, upon entering such order, if satisfied
 8 that such inspection was wrongfully and vexatiously refused, may require the
 9 party so refusing to pay the opposite party the sum of five dollars (\$5) as the
 10 costs of making the application aforesaid and may enforce such payment by
 11 attachment.

Sec. 374. INTERROGATORIES TO BE ANSWERED BY ADVERSE PARTY, ETC., BEFORE
 2 TRIAL—PROCEDURE.] Before the trial or final hearing of any action at law or in
 3 equity, other than a criminal or quasi criminal action, interrogatories may be
 4 filed to be answered by any party to such action or any person for whose im-
 5 mediate benefit the same is prosecuted or defended, or by the directors, officers,
 6 superintendents or managing agents of any corporation which is a party to the
 7 record in such action, at the instance of the adverse party, or, in case there be
 8 more than one adverse party, at the instance of any one or more of them, in
 9 the manner and under the circumstances and conditions hereinafter provided.

Sec. 375. AFFIDAVIT OF CAUSE OF ACTION OR DEFENSE.] No such interroga-
 2 tories shall be filed or required to be answered by the party proposed to be

3 interrogated, or by the directors, officers, superintendents or managing agents
 4 of any corporation which is a party unless the same, if filed by the plaintiff
 5 or one of the plaintiffs, are accompanied by an affidavit of such plaintiff, or of
 6 his attorney or agent, upon information and belief, showing that such plaintiff
 7 has a good cause of action and setting forth the facts constituting such cause
 8 of action, or, if filed by the defendant or one of the defendants, unless the same
 9 are accompanied by an affidavit of such defendant, or of his attorney or agent,
 10 upon information and belief, showing that he has a good defense to such action,
 11 in whole or in part, and setting forth the facts constituting such defense: *Pro-*
 12 *vided, however,* that when any party proposing to file interrogatories sues or
 13 defends as the trustee or conservator of an idiot, habitual drunkard, lunatic or
 14 distracted person, or as the executor, administrator, heir, legatee or devisee of
 15 any deceased person, or as guardian or trustee of any such heir, legatee or
 16 devisee, no such affidavit shall be necessary if the party so suing or defending
 17 shall, under oath, say that he has no personal knowledge respecting the facts
 18 in such case, or some portion thereof, specifying the portion, and that the
 19 answering of such interrogatories is necessary to enable such party to proper-
 20 ly prosecute or defend the action. In an action in equity the affidavit provided
 21 for in this section need not be filed by the plaintiff when the bill of complaint
 22 sets forth a good cause of action and is verified by an affidavit upon informa-
 23 tion and belief, nor by the defendant when the answer sets forth a good de-
 24 fense and is verified by an affidavit upon information and belief.

Sec. 376. WHEN INTERROGATORIES TO BE FILED AS MATTER OF COURSE.] Any
 2 party to such action shall, before the trial or final hearing thereof, be permit-
 3 ted, as a matter of course and without leave of court, upon complying with
 4 the provisions of the preceding section, to file such number of interrogatories,
 5 not exceeding twelve, as he may deem necessary, to be answered by any ad-
 6 verse party to the action, or person for whose immediate benefit such action
 7 is prosecuted or defended, or by the directors, officers, superintendents or

8 managing agents of any corporation which is an adverse party to the record
 9 in such action. The court may also, in its discretion, upon like compliance
 10 with the provisions of said section permit any party to file such number of
 11 interrogatories exceeding twelve and not exceeding twenty-five in an action at
 12 law, or fifty in an action in equity, as the court may deem necessary to enable
 13 the party proposing to file the same to properly prosecute or defend the action;
 14 but leave to file such number of interrogatories exceeding twelve and not ex-
 15 ceeding twenty-five or fifty, as the case may be, shall in no case be granted un-
 16 less the party asking leave shall have served a notice in writing of his applica-
 17 tion for such leave, together with a copy of the interrogatories proposed to be
 18 filed and a copy of the affidavit provided for in the preceding section, before
 19 twelve o'clock noon of the day preceding such application, upon the party
 20 proposed to be interrogated or upon the party whose directors, officers, super-
 21 intendents or managing agents are proposed to be interrogated.

Sec. 377. FORM OF INTERROGATORIES.] The first two interrogatories filed
 2 in any action shall be as follows:

- 3 1. What is your name, age, occupation and place of residence?
- 4 2. Are you one of the parties to this action or person for whose immedi-
 5 ate benefit such action is prosecuted or defended? If so, are you a party
 6 plaintiff, or a party defendant, or a person for whose immediate benefit such
 7 action is prosecuted or defended? (If the person proposed to be interrogated
 8 is not a party to the action, or a person for whose immediate benefit such ac-
 9 tion is prosecuted or defended, such second question shall be as follows: Are
 10 you a director, officer, superintendent or managing agent of one of the parties
 11 to this action and, if so, of which party and what office or position do you hold
 12 with respect to such party and how long have you held such office or position?)

13 Interrogatories after the first and second shall be directed to and for the
 14 sole purpose of ascertaining the ultimate facts involved in such action and

15 such evidentiary facts as may be directly pertinent to such ultimate facts, and
 16 which will be relied upon either by the plaintiff to establish his cause of action
 17 or by the defendant to establish his defense, and shall not be directed to or for
 18 the purpose of ascertaining the evidence, or the names or places of residence of
 19 the witnesses, which or who may be relied upon by the party interrogated to
 20 establish his cause of action or defense. No interrogatories shall be filed other
 21 than such as the party or person proposed to be interrogated might be required
 22 to answer if called as a witness upon the trial or hearing of such action, nor shall
 23 any interrogatory be so framed as, in the opinion of the court, to require an
 24 answer of unusual length or impose upon the party interrogated unreasonable
 25 labor.

Sec. 378. COPIES OF INTERROGATORIES TO BE ATTACHED TO COPY OF SUMMONS.]

2 If the plaintiff shall, at the time of commencing his action, file interroga-
 3 tories as above provided for, he shall prepare a copy thereof for each party
 4 proposed to be interrogated, or whose directors, officers, superintendents or
 5 managing agents are proposed to be interrogated, and shall also file the affi-
 6 davit hereinbefore provided for and prepare a copy of such affidavit for each
 7 party proposed to be interrogated, or whose directors, officers, superintendents
 8 or managing agents are proposed to be interrogated, and one copy of such inter-
 9 rogatories and one copy of such affidavit shall be attached to the copy of the
 10 summons to be served upon such party or corporation and such copies shall
 11 thereupon be served with such copy of the summons upon such defendant by the
 12 officer or other person by whom such summons is served: *Provided, however,* that
 13 no such affidavit need be filed nor any copy thereof served when the bill of
 14 complaint or the answer of the defendant, as the case may be, in an action in
 15 equity is verified by affidavit as hereinbefore provided.

Sec. 379. NOTICE AND COPY OF INTERROGATORIES TO BE SERVED.] A party

2 filing interrogatories without leave of court at any time after the commence-

3 ment of the action shall give notice thereof, accompanied by a copy of such
 4 interrogatories and a copy of the affidavit hereinbefore provided for, to the
 5 adverse party proposed to be interrogated, or whose directors, officers, super-
 6 intendents or managing agents are proposed to be interrogated: *Provided,*
 7 *however,* that no such copy of an affidavit need be served in an action in equity
 8 in which the bill of complaint or answer, as the case may be, shall have been
 9 verified by affidavit as hereinbefore provided.

Sec. 380. INTERROGATORIES MAY BE SUPPRESSED WHEN.] Upon the filing of
 2 any interrogatories the court may, upon the application of the party or person
 3 proposed to be interrogated, or upon the application of the corporation whose
 4 directors, officers, superintendents or managing agents are proposed to be inter-
 5 rogated, and upon reasonable notice in writing to the party filing such inter-
 6 rogatories, suppress the same or any one or more of them when, in the opinion
 7 of the court, any such interrogatory or interrogatories is or are improper.

Sec. 381. ANSWERS TO BE UNDER OATH—NOT TO BE CONCLUSIVE.] Interroga-
 2 tories filed in accordance with the preceding provisions of this section and not
 3 suppressed as hereinbefore provided shall be answered under oath by the party
 4 or person to whom the same are directed, and shall be competent evidence
 5 upon the trial or hearing of the action as against the party interrogated, or as
 6 against the corporation whose directors, officers, superintendents, or managing
 7 agents, or one of them, are or is interrogated, but the party filing such inter-
 8 rogatories shall not be concluded by the answers thereto if he shall elect to in-
 9 troduce the same or any or either of them upon the trial or final hearing of the
 10 action, nor shall any corporation which is a party be concluded by the answers
 11 to interrogatories given by any director, officer, superintendent or managing
 12 agents of such corporation, but any answer so given may be contradicted by
 13 such corporation by any competent evidence.

Sec. 382. WHEN ANSWERS TO BE FILED.] Answers to the interrogatories
 2 hereinbefore provided for shall be filed within five days after the service of the
 3 same upon the party proposed to be interrogated or upon the party whose di-
 4 rectors, officers, superintendents or managing agents are proposed to be
 5 interrogated, when the same are filed without leave of court, or within five
 6 days after the entry of the order granting leave to file the same, if they are
 7 filed by virtue of such order of court, unless the court, by general rule or other-
 8 wise, shall extend the time for the filing of the same: *Provided, however,* that
 9 such answers need not be filed in any case until the expiration of the time
 10 within which the defendant is required to file his specification of defense or
 11 defenses.

Sec. 383. INTERROGATORIES TO BE ANSWERED FULLY, ETC.—PROCEDURE.] Inter-
 2 rogatories filed as hereinbefore provided for shall be answered fully, com-
 3 pletely and without evasion by the party, or by the directors, officers, superin-
 4 tendents or managing agents of the party, to whom they are directed. The
 5 court, upon notice in writing to the party having answered the interrogatories
 6 or to the party whose directors, officers, superintendents or managing agents,
 7 or any one or more of them, have answered the interrogatories, may, if, in the
 8 opinion of the court, any person so interrogated shall not have answered any
 9 interrogatory or interrogatories thus propounded to him fully, completely and
 10 without evasion, or if such person shall have failed to make any answer to any
 11 one or more of such interrogatories, require such person to appear in open
 12 court, or before some officer designated by the court, and there answer all such
 13 interrogatories as such person might be required to answer if called as a wit-
 14 ness upon the hearing of such action, or as the court may deem necessary or
 15 proper for the due administration of justice in such action.

Sec. 384. ADDITIONAL INTERROGATORIES.] Leave may be given to either
 2 party to file additional interrogatories when interrogatories previously filed

3 have been answered, if, in the opinion of the court, the answering of such ad-
4 ditional interrogatories will tend to promote justice: *Provided, however, that*
5 no more than twenty-five interrogatories in all in an action at law, or fifty in-
6 terrogatories in all in an action in equity, shall be allowed to be propounded
7 to any one person.

Sec. 385. COPIES OF ANSWERS TO BE SERVED.] Whenever answers to inter-
2 rogatories have been filed the party filing the same shall, within twenty-four
3 hours thereafter, serve a copy thereof upon the adverse party filing such in-
4 terrogatories, or his attorney, together with a notice in writing of the filing of
5 such answers.

Sec. 386. INTERROGATORIES TO DIRECTORS, ETC.—HOW ANSWERED.] When in-
2 terrogatories are filed to be answered by the directors, officers, superintendents
3 or managing agents of a corporation which is a party to the record, it shall
4 not be necessary for all of such directors, officers, superintendents or manag-
5 ing agents, in the first instance, to answer the same, but it shall be the duty
6 of such corporation to cause suitable investigation to be made concerning the
7 facts as to which inquiry is made by such interrogatories, and to cause such
8 interrogatories to be answered by such of its directors, officers, superintend-
9 ents or managing agents, if any, as may appear to have sufficient knowledge
10 as to such facts to properly answer such interrogatories.

Sec. 387. PROCEDURE WHEN INTERROGATORIES NOT ANSWERED FULLY.] When-
2 ever the court is not satisfied that interrogatories required to be answered by
3 the directors, officers, superintendents or managing agents of a corporation
4 have been answered fully, completely and without evasion, the court may, upon
5 reasonable notice in writing to such corporation, cause such of its directors,
6 officers, superintendents or managing agents, as the court may deem necessary,
7 to appear in open court, or before some officer designated by the court, and

8 there answer all such interrogatories as they might respectively be required to
 9 answer if called as witnesses upon the trial or hearing of such action and as
 10 the court may deem necessary or proper for the due administration of justice
 11 in such action.

Sec. 388. ACTIONS FOR DEATH, ETC.—INCAPACITY OF PLAINTIFF—EXAMINATION
 2 OF WITNESSES—INSPECTION OF PREMISES.] In any action at law brought by the
 3 plaintiff to recover damages on account of the death of any person alleged
 4 to have been caused by wrongful act, neglect or default, and in any action by
 5 any husband, wife, child, parent, guardian, employer or other person as plain-
 6 tiff to recover damages for injuries to his or her person, or property, or means
 7 of support, resulting from the death of any person, and in any action brought
 8 by any person as plaintiff, who, by reason of insanity or other physical or
 9 mental disability, is incapacitated from testifying as a witness therein, to re-
 10 cover damages for any injury to his person other than slander, libel or ma-
 11 licious prosecution, the court, upon the application of the plaintiff in such
 12 action, may, upon reasonable notice to the opposite party, cause to be taken,
 13 either in open court or before any officer designated by the court, the testi-
 14 mony of any defendant or of any other person who may be alleged by or on
 15 behalf of the plaintiff to possess any information bearing upon the cause and
 16 circumstances of the death of such deceased person, or of the injury to the
 17 person of the plaintiff, or of the liability of any defendant on account thereof,
 18 or permit the inspection of any machinery, buildings or premises, other than
 19 the dwelling house of the defendant, in, upon or by means of which the death
 20 of such deceased person, or the injury of such plaintiff, is alleged to have
 21 occurred, under the circumstances and conditions hereinafter provided.

Sec. 389. SHOWING TO BE MADE TO OBTAIN ORDER FOR EXAMINATION.] No
 2 order for the examination of any such party or witness shall be made by the
 3 court unless it shall be made to appear to the satisfaction of the court, by the

4 affidavit of the plaintiff, or of his attorney or agent, or otherwise, that such
 5 examination will be calculated to aid in the due and speedy administration of
 6 justice in such action.

Sec. 390. ORDER FOR INSPECTION OF PREMISES, ETC.] In any such case the
 2 court may, upon the application of the plaintiff, make an order requiring any
 3 defendant to permit the inspection by the plaintiff's attorney, and such other
 4 persons as may be specified by the court, of any machinery, buildings or prem-
 5 ises, other than the dwelling house of a defendant, in, upon or by means of
 6 which the death of such deceased person or the injury of such plaintiff is
 7 alleged to have occurred, such inspection to be made at such reasonable time
 8 or times and in accordance with such directions as may be prescribed by the
 9 court.

Sec. 391. SHOWING TO BE MADE TO OBTAIN ORDER FOR INSPECTION.] No such
 2 order for the examination of any machinery, buildings or premises shall be
 3 made unless the court shall be satisfied by the affidavit of the plaintiff, or of
 4 his attorney or agent, or otherwise, that such inspection is necessary in order
 5 that the plaintiff may properly prepare his case for trial and that such in-
 6 spection will have a tendency to aid in a just determination of the rights of
 7 the parties to such action.

Sec. 392. NOTICE OF APPLICATION FOR ORDER.] No such order for the exam-
 2 ination of witnesses or for the inspection of machinery, buildings or premises
 3 shall be made unless at least three days previous notice in writing of the appli-
 4 cation therefor shall have been served upon the defendant or defendants, or
 5 upon his or their attorneys, and upon such application the defendant or de-
 6 fendants may controvert the right of the plaintiff thereto by counter affidavits
 7 or otherwise.

Sec. 393. RIGHTS OF DEFENDANT UPON ALLOWANCE OF ORDER.] Upon the
 2 allowance of any such order for the examination of the defendant or any
 3 witness or for the inspection of any machinery, buildings or premises on the
 4 application of the plaintiff as is provided for in the preceding sections, and
 5 upon the examination of the defendant or of any witness or witnesses, or
 6 upon the inspection of such machinery, building or premises in pursuance
 7 thereof, the defendant shall be entitled, as of course, to an order for the taking
 8 of the deposition of the plaintiff, if the plaintiff be not incapacitated from tes-
 9 tifying, and of any witness or witnesses specified by the defendant.

Sec. 394. NOTICE OF EXAMINATION OF WITNESSES.] No examination of wit-
 2 nesses provided for in the preceding sections shall be had unless at least five
 3 days notice in writing of the time and place of holding the same, with the
 4 names of the witnesses to be examined, shall be given to each of the parties
 5 to such action or their attorneys, other than the party making such examination.

Sec. 395. WHEN DEPOSITIONS MAY BE READ IN EVIDENCE.] Whenever any
 2 depositions have been taken in pursuance of the provisions of the preceding
 3 sections, the deposition of any witness so taken may be read in evidence by
 4 either party upon the trial of such action, or upon the trial of any subsequent
 5 action between the same parties or their legal representatives upon the same
 6 cause of action.

Sec. 396. HOW DEPOSITIONS TAKEN.] Whenever any examination of wit-
 2 nesses is had in pursuance of the provisions of the preceding sections before
 3 any master in chancery or any court stenographer authorized by this Act to
 4 take depositions, such depositions may be taken down in typewriting or steno-
 5 graphically, and, when so taken down, or taken down and transcribed, as the
 6 case may be, and certified to as correctly taken down, or taken down and
 7 transcribed, the signatures of the witnesses shall be unnecessary thereto, and

8 such depositions shall have the same force and effect as evidence as if they
9 had been signed by the witnesses.

Sec. 397. CLERK TO ISSUE SUBPOENAS.] Whenever any examination of wit-
2 nesses is authorized by the court in pursuance of the provisions of the preced-
3 ing sections the clerk of the court, at the request of the party on whose behalf
4 such depositions are to be taken, shall issue subpoenas for such witnesses speci-
5 fying the time and place and person before whom they are to appear, which
6 subpoenas may be served in the same manner as subpoenas in other cases and
7 obedience thereto may be compelled by the court in the same manner as obedi-
8 ence to other subpoenas.

Sec. 398. INFORMATION AS TO MATTERS OF FACT—HOW OBTAINED.] Either
2 party to any action may, in advance of the trial or hearing thereof, also obtain
3 information respecting matters of fact which it may be necessary for such
4 party to prove upon such trial or hearing, under the circumstances and con-
5 ditions hereinafter provided for.

Sec. 399. STATEMENT OF FACTS EXPECTED TO BE PROVEN.] If the plaintiff,
2 at the time he commences his action, or within such time thereafter as may
3 be allowed by the court, or the defendant at the time he enters his appearance,
4 or within such time thereafter as may be allowed by the court, shall file a
5 statement in writing verified by his affidavit, or that of his attorney or agent,
6 if such attorney or agent have knowledge as to the facts, or, in case such party
7 be a corporation, by an affidavit of some officer, agent or attorney thereof,
8 having knowledge as to the facts, such verification to be either positive or
9 upon information and belief, of facts, either ultimate or evidentiary, but not
10 exceeding twenty-five in number, which he expects to prove upon the trial, then
11 and in such case, unless the opposite party, or his agent or attorney, or, in
12 case such opposite party is a corporation, some officer, attorney or agent thereof

13 having knowledge of the facts concerning such action, shall, by affidavit, either
 14 positive or upon information and belief, deny the facts set forth in such state-
 15 ment or some portion thereof, such facts or such portions thereof as are not
 16 denied shall, upon the trial of such action, be taken as true without further
 17 proof.

Sec. 400. BY WHOM AFFIDAVIT MAY BE MADE.] When there are several par-
 2 ties, either plaintiff or defendant, the affidavit above provided for may be
 3 made by any one of the plaintiffs or any one of the defendants, as the case may
 4 be, or by any agent or attorney of the party making the same, or, in case any
 5 party is a corporation, such affidavit may be made by any officer, attorney or
 6 agent thereof having knowledge of the facts concerning such action.

Sec. 401. REQUISITES OF STATEMENT—FORM.] Every such statement herein-
 2 before provided for, after the formal part thereof, shall be divided into para-
 3 graphs each of which shall be numbered and each paragraph shall set forth
 4 but one ultimate or evidentiary fact expected to be proved by the party filing
 5 the same. Such statement and the affidavit verifying the same may be in sub-
 6 stantially the following form:

7 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

8 John Doe }
 9 v. } Contract. No. 1000.
 10 Richard Roe.

11 STATEMENT OF FACTS EXPECTED TO BE PROVEN.

12 John Doe, plaintiff in the above entitled action, being duly sworn, upon
 13 information and belief says that upon the trial of the above entitled action he
 14 expects to prove the following facts:

15 1. That (here set forth any one ultimate or evidentiary fact expected to
 16 be proven and follow the same with as many subsequent paragraphs numbered
 17 consecutively as there are ultimate or evidentiary facts expected to be proven,
 18 each paragraph to set forth a single fact.)

19 JOHN DOE.

20 Subscribed and sworn to before me this 24th day of February, 1908.

21 JOHN SMITH, Clerk.

Sec. 402. REQUISITES OF DENIAL—FORM.] When any such statement has been filed the opposite party, if he wishes to deny the same or any portion thereof, may do so by specifying in his affidavit the numbers only of the facts in such statement which he denies and such party shall also be at liberty to supplement such denial of any fact by any explanation he may desire to make of such denial. Such affidavit may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Contract. No. 6000.

REPLY TO STATEMENT OF FACTS EXPECTED TO BE PROVEN.

Richard Roe, the defendant in the above entitled action, being duly sworn, upon information and belief denies the facts, and each of them, numbered 3, 4, 5, 6 and 7 set forth in the statement filed herein by the plaintiff and in explanation of his denial of such fact No. 5 the defendant says (here give explanation.)

RICHARD ROE.

Subscribed and sworn to before me this 4th day of March, 1908.

JOHN SMITH, Clerk.

Sec. 403. COPY TO BE ATTACHED TO SUMMONS WHEN.] If any such statement is filed by the plaintiff at the time he commences his action a copy thereof shall be attached to the copy of the summons served upon the defendant. If any such statement, or any reply to any such statement, is filed by either party after the commencement of the action a copy thereof shall, immediately upon the filing of the same, be served upon the opposite party.

Sec. 404. TIME FOR FILING DENIAL.] If any such statement is filed the opposite party, if he elects to deny the same or any portion thereof, shall do so within five days after he shall have been served with a copy of such statement, or within such further time as may be allowed by the court therefor by general rule or otherwise: *Provided, however*, that no defendant shall be required to file any such denial prior to the date on which he is required to file the specification of his defense or defenses.

Sec. 405. FACTS MAY BE READ IN EVIDENCE WHEN.] When any such statement
 2 is filed the party filing the same may, upon the trial or hearing of the action,
 3 read in evidence as facts admitted such of the facts therein set forth as are
 4 not denied by the opposite party as hereinbefore provided, and may, in his
 5 discretion, read in evidence the opposite party's explanation of the denial of
 6 any such fact.

DIVISION XXV.

JUDICIAL NOTICE.

SECTION

406. Of what courts of original jurisdiction
 take judicial notice.

SECTION

407. Measures to be adopted to aid court
 in taking judicial notice.

Section 406. OF WHAT COURTS OF ORIGINAL JURISDICTION TAKE JUDICIAL
 2 NOTICE.] Every court of original jurisdiction shall take judicial notice of the
 3 following:

4 *First*—GENERAL ORDINANCES OF MUNICIPAL CORPORATIONS.] All general ordi-
 5 nances of every municipal corporation situated in whole or in part within the
 6 limits of the county in which the court is held.

7 *Second*—LAWS OF OTHER STATES AND TERRITORIES.] All laws of a public na-
 8 ture enacted by any state or territory of the United States.

9 *Third*—ORGANIZATION OF DOMESTIC CORPORATIONS.] The organization of all
 10 corporations organized under the laws of this State whose certificates of com-
 11 plete organization are recorded in the office of the recorder of deeds of the
 12 county in which the court is held.

13 *Fourth*—ORGANIZATION OF DOMESTIC RAILROAD CORPORATIONS.] The organiza-
 14 tion of all railroad corporations, including those organized for the operation of
 15 street railroads or elevated railroads, organized under the laws of this State,

16 whose lines of railroad, or any part or parts thereof, are located in the county
17 in which the court is held.

18 *Fifth*—ORGANIZATION OF FOREIGN RAILROAD CORPORATIONS.] The organization
19 of all corporations organized under the laws of any other state or states, or
20 under the laws of the United States, and engaged in the operation of any rail
21 road or railroads within the county in which the court is held.

22 *Sixth*—LOCATION OF RAILROADS.] The location of all lines of railroad, includ
23 ing street railroads and elevated railroads, within the county in which the court
24 is held and the corporation or corporations, person or persons, by whom the
25 same are operated.

26 *Seventh*—NAMES AND LOCATIONS OF STREETS.] The names and locations of
27 all streets within the cities, villages and incorporated towns of the county in
28 which the court is held.

29 *Eighth*—DECISIONS OF UNITED STATES COURTS AND COURTS OF OTHER STATES.]
30 The decisions of the Supreme Court, circuit courts of appeals, circuit courts
31 and district courts of the United States, the Interstate Commerce Commission
32 of the United States, the Supreme Court and Appellate Courts of this State
33 and of the courts of appellate jurisdiction of all other states and of the terri-
34 tories of the United States, when the same are published in printed form in
35 books of reports purporting to contain such decisions.

36 *Ninth*—NAMES AND LOCATIONS OF PUBLIC BUILDINGS.] The names and loca-
37 tions of all public buildings situated within the county in which the court is held.
38 The term “public buildings,” as used in this section, shall include all build-
39 ings owned, used or occupied for public purposes or under the patronage and
40 control of the United States, or of this State, or any county, city, village, town,
41 school district or other municipal corporation, and all buildings within the
42 limits of cities, villages or incorporated towns and used exclusively for church
43 purposes.

44 *Tenth*—NAMES AND LOCATIONS OF BUSINESS BUILDINGS.] The names and lo
45 cations of all buildings within cities, villages and incorporated towns used for
46 business purposes, which are commonly known and described by their names.

47 *Eleventh*—NAMES, ETC., OF JUDGES AND CLERKS.] The names of all judicial
48 officers, and the names, official signatures and seals of all clerks of courts of
49 record of this State and the names and official signatures of their deputies.

50 *Twelfth*—NAMES OF SHERIFFS, BAILIFF, DEPUTIES, ETC.] The names of all
51 sheriffs and their deputies, and of the bailiff and deputy bailiffs of any muni-
52 cipal court and of all constables in this State.

53 *Thirteenth*—NAMES OF COUNTY OFFICERS.] The names of all county officers.

54 *Fourteenth*—NAMES, ETC., OF RECORDERS, NOTARIES, ETC.] The names, official
55 signatures and seals of all recorders and notaries public and the names and
56 official signatures of all deputy recorders within this State and the official sig-
57 natures of all justices of the peace and police magistrates in the county within
58 which the court is held.

59 *Fifteenth*—OTHER MATTERS.] All other matters of which the courts of this
60 State have been heretofore accustomed to take judicial notice.

61 But the provisions of this section requiring judicial notice to be taken of
62 the matters specified in clauses third, fourth, fifth and sixth above shall not
63 apply in any action of quo warranto, and the provisions of this section requir-
64 ing judicial notice to be taken of the matters specified in clause seventh above
65 shall not apply in any action in which the title to real estate is involved.

Sec. 407. MEASURES TO BE ADOPTED TO AID COURTS IN TAKING JUDICIAL NOTICE.]

2 For the purpose of aiding courts in taking judicial notice of matters of
3 which they are required to take judicial notice by the preceding section,
4 and of enabling parties to actions to inform themselves with respect
5 thereto, the following measures shall be adopted:

6 *First*—DUTY OF SECRETARY OF STATE.] The Secretary of State shall, upon
7 the application of any attorney at law authorized to practice in the courts

8 of this State and resident therein, and upon the receipt of a fee of one dollar
 9 (\$1), furnish to such attorney at law, by mail or otherwise, a statement of
 10 the following particulars with respect to any corporation organized under the
 11 laws of this State, the certificate or certificates of the organization of which
 12 have been filed or recorded in the office of said Secretary of State:

13 *a*—The name and the date of the organization of the corporation, together
 14 with all changes of name, and the dates thereof.

15 *b*—The capital stock, if any, of such corporation, together with all changes
 16 of such capital stock and the dates and nature of such changes.

17 *c*—The purpose for which such corporation was originally organized and
 18 the changes made in the objects thereof and the dates of such changes.

19 *d*—The number and official designation of the managing officers thereof and
 20 all changes made in the number of such managing officers with the dates of
 21 such changes.

22 *e*—The location of the principal office of such corporation and all changes
 23 in the location of such principal office of such corporation, with the dates of
 24 such changes.

25 *f*—All other information which may be required by any rule which may be
 26 adopted by the Supreme Court.

27 *Second*—DUTY OF RECORDER.] The recorder of deeds of each county shall,
 28 upon application by mail or otherwise by any attorney at law authorized to
 29 practice in the courts of this State and resident therein, and upon the receipt
 30 of a fee of one dollar (\$1), furnish to such attorney at law the particulars
 31 specified in clause first of this section with respect to any corporation whose
 32 certificate of complete organization shall have theretofore been filed in his
 33 office.

34 *Third*—DUTY OF FOREIGN CORPORATION.] Every corporation organized un-
 35 der the laws of any other state or states, or under the laws of the United
 36 States, and engaged in the operation of any railroad or railroads within this

37 State shall, on or before the first day of September, 1909, cause to be pre-
 38 pared and printed a copy of its charter or other papers evidencing its corpor-
 39 ate existence and powers, and shall transmit to the clerk of the Supreme Court
 40 and of the Appellate Courts of this State one printed copy thereof for each
 41 judge of said respective courts and one printed copy thereof for each of said
 42 clerks, and also transmit to the clerk of each court of record of each county in this
 43 State into or through which the railroad, or any branch thereof, owned or oper-
 44 ated by such corporation may extend, one printed copy thereof for each of said
 45 clerks and whenever any change is made in the charter or other papers evidenc-
 46 ing the corporate existence and powers of any such corporation, such corpora-
 47 tion shall cause the same to be printed and copies thereof to the same num-
 48 ber above provided promptly transmitted to said respective clerks. Such cor-
 49 poration shall likewise, upon the application of any judge of a court of rec-
 50 ord of this State, transmit to such judge, by mail or otherwise, one or more
 51 of the printed copies above provided for. Any such corporation, failing to
 52 prepare, print and distribute the printed copies aforesaid shall, for the period
 53 during which such failure shall continue, be incapacitated to prosecute any
 54 action in any court of this State and shall, if such failure shall continue for
 55 more than one month, be deemed guilty of a misdemeanor and shall be fined
 56 the sum of one hundred dollars (\$100) for each month during which such
 57 neglect shall continue.

58 *Fourth*—DUTY OF DOMESTIC CORPORATION WHEN PAPERS NOT FILED WITH SEC-
 59 RETARY OF STATE.] Every corporation organized and carrying on business in
 60 this State, which may have been organized by any general or special law of
 61 this State and whose charter, certificate of organization or other papers evi-
 62 dencing its corporate existence and powers, are not required to be filed in
 63 the office of the Secretary of State shall also, on or before the first day of
 64 August, 1912, cause to be prepared and printed a copy of the law or laws by
 65 which it has been created and all other papers evidencing its corporate ex-

66 istence and powers and transmit to the clerk of each court of this State one
67 copy thereof for each judge of said court and one printed copy thereof for
68 each of said clerks. Such corporation shall likewise, upon the application of
69 any judge of a court of record of this State, transmit to said judge, by mail
70 or otherwise, one or more of the printed copies above provided for. Any such
71 corporation failing to comply with this clause shall, for the period during
72 which such failure shall continue, be incapacitated to prosecute any action
73 in any court of this State and shall, if such failure shall continue for more
74 than one month, be deemed guilty of a misdemeanor and shall be fined the
75 sum of ten dollars (\$10) for each month during which such neglect shall
76 continue.

77 *Fifth*—ATTORNEY TO BE FURNISHED INFORMATION.] Whenever any action
78 shall be brought in any court of this State against any corporation of either
79 of the classes mentioned in clause third and clause fourth of this section,
80 such corporation shall, upon application therefor by any attorney at law
81 authorized to practice in the courts of this State and resident therein and
82 appearing as an attorney of record in such action, deliver to such attorney
83 at law a printed copy of the charter, laws and papers referred to in said clauses
84 and compliance with such application, if refused, shall be enforced by
85 the court in which such action is pending by attachment or other appropriate
86 process or proceeding.

DIVISION XXVI.

EVIDENCE.

SECTION

- 408. Interest not to disqualify witness—conviction of crime—effect—how proven.
- 409. Rule when adverse party sues or defends as heir, etc.
- 410. Rule in actions by or against surviving partners, etc.
- 411. Rule as to husband or wife.
- 412. Confession to clergyman not to be disclosed when.
- 413. Information acquired by doctor not to be disclosed when.
- 414. Communication of client to attorney not to be disclosed when—attorney's clerk, etc., not allowed to disclose communication.
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- 416. Book accounts.
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SECTION

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EVIDENCE—CONCLUDED.

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Section 408. INTEREST NOT TO DISQUALIFY WITNESS—CONVICTION OF CRIME—
 2 EFFECT—HOW PROVEN.] No person shall be disqualified as a witness in any civil
 3 or quasi-criminal action or proceeding, except as hereinafter stated, by reason
 4 of his or her interest in the event thereof, as a party or otherwise, or
 5 by reason of his or her conviction of any crime; but such interest or conviction
 6 may be shown for the purpose of affecting the credibility of such witness:
 7 and the fact of such conviction may be proven like any fact not of record.
 8 either by the witness himself (who shall be compelled to testify thereto) or
 9 by any other witness cognizant of such conviction, as impeaching testimony,
 10 or by any other competent evidence.

Sec. 409. RULE WHEN ADVERSE PARTY SUES OR DEFENDS AS HEIR, ETC.] No
 2 party to any civil action or proceeding, or person directly interested in the
 3 event thereof, shall be allowed to testify therein of his own motion, or in his
 4 own behalf, by virtue of the foregoing section, when any adverse party sues
 5 or defends as the trustee or conservator of any idiot, habitual drunkard, lunatic
 6 or distracted person, or as the executor, administrator, heir, legatee or
 7 devisee of any deceased person, or as the guardian or trustee of any such
 8 heir, legatee or devisee, unless when called as a witness by such adverse
 9 party so suing or defending, and also in the following cases, namely:

First—FACTS OCCURRING AFTER DEATH, ETC.] In any such action or proceeding a party or interested person may testify to facts occurring after the death of such deceased person or after the ward, heir, legatee or devisee shall have attained his or her majority.

Second—WHEN AGENT, ETC., TESTIFIES.] When, in any action or proceeding, any agent of any deceased person shall, in behalf of any person or persons suing or being sued in either of the capacities above named, testify to any conversation or transaction between such agent and the opposite party or party in interest, such opposite party or party in interest may testify concerning the same conversation or transaction.

Third—AS TO CONVERSATION TESTIFIED TO BY ADVERSE WITNESS.] When, in any such action or proceeding, any such party suing or defending as aforesaid, or any person having a direct interest in the event of such action or proceeding, shall testify in behalf of such party so suing or defending to any conversation or transaction with the opposite party or party in interest, then such opposite party or party in interest shall also be permitted to testify as to the same conversation or transaction.

Fourth—AS TO ADMISSION OR CONVERSATION.] When, in any such action or proceeding, any witness not a party to the record, or not a party in interest, or not an agent of such deceased person, shall, on behalf of any party to such action or proceeding, testify to any conversation or admission by any adverse party or party in interest, occurring before the death and in the absence of such deceased person, such adverse party or party in interest may also testify as to the same admission or conversation.

Fifth—WHEN DEPOSITION OF DECEASED PERSON READ.] When, in any such action or proceeding, the deposition of such deceased person shall be read in evidence at the trial or hearing, any adverse party or party in interest may testify as to all matters and things testified to in such deposition by such deceased person and not excluded for irrelevancy or incompetency.

Sec. 410. RULE IN ACTIONS BY OR AGAINST SURVIVING PARTNERS. ETC.] In any

2 action or proceeding by or against any surviving partner or partners, joint
 3 contractor, or joint contractors, no adverse party or person adversely in-
 4 terested in the event thereof shall, by virtue of the preceding sections, be
 5 rendered a competent witness to testify to any admission or conversation by
 6 any deceased partner or joint contractor, unless some one or more of the sur-
 7 viving partners or joint contractors were also present at the time of such
 8 admission or conversation, and in every action or proceeding a party to the
 9 same who has contracted with an agent of the adverse party—the agent hav-
 10 ing since died—shall not be a competent witness as to any admission or con-
 11 versation between himself and such agent, unless such admission or conversa-
 12 tion with the said deceased agent was had or made in the presence of a
 13 surviving agent or agents of such adverse party, and then only except where
 14 the conditions are such that under the provisions of the preceding and subse-
 15 quent sections of this Act he would have been permitted to testify, if the de-
 16 ceased person had been a principal and not an agent.

Sec. 411. RULE AS TO HUSBAND OR WIFE.] No husband or wife shall, by vir-

2 tue of either of the preceding sections of this Act, be rendered competent to
 3 testify for or against the other as to any transaction or conversation occur-
 4 ring during the marriage, whether called as a witness during the existence of
 5 the marriage or after its dissolution, except in cases where the wife would, if
 6 unmarried, be plaintiff or defendant, or where the cause of action grows out
 7 of a personal wrong or injury done by one to the other, or grows out of the
 8 neglect of the husband to furnish the wife with a suitable support; and ex-
 9 cept in actions where the litigation shall be concerning the separate property
 10 of the wife, and actions for divorce; and except also in actions upon policies
 11 of insurance of property, so far as relates to the amount and value of the
 12 property alleged to be injured or destroyed, or in actions against carriers, so

13 far as relates to the loss of property and the amount and value thereof, or
 14 in all matters of business transactions where the transaction was had and
 15 conducted by such married woman as the agent of her husband, in all of
 16 which cases the husband and wife may testify for or against each other in
 17 the same manner as other parties may, under the provisions of this Act:
 18 *Provided*, that nothing in this section contained shall be construed to author-
 19 ize or permit any such husband or wife to testify to any admission or conver-
 20 sation with the other, whether made by him to her or by her to him, or by either
 21 to third persons, except in actions or proceedings between such husband and
 22 wife.

Sec. 412. CONFESSION TO CLERGYMAN NOT TO BE DISCLOSED—WHEN.] A cler-
 2 gyman or other minister of any religion shall not be allowed to disclose a con-
 3 fession made to him, in his professional character, in the course of discipline,
 4 enjoined by the rules or practice of the religious body to which he belongs.

Sec. 413. INFORMATION ACQUIRED BY PHYSICIAN NOT TO BE DISCLOSED—WHEN.]
 2 A person duly authorized to practice physic or surgery shall not be allowed
 3 to disclose any information which he acquired in attending a patient in a
 4 professional capacity and which was necessary to enable him to act in that
 5 capacity.

Sec. 414. COMMUNICATION OF CLIENT TO ATTORNEY NOT TO BE DISCLOSED WHEN
 2 —ATTORNEY'S CLERK, ETC., NOT ALLOWED TO DISCLOSE COMMUNICATION.] An attor-
 3 ney at law shall not be allowed to disclose a communication made by his client
 4 to him or his advice given thereon in the course of his professional employ-
 5 ment, nor shall any clerk, stenographer or other person employed by such
 6 attorney at law be allowed to disclose any such communication or advice given
 7 thereon.

Sec. 415. EXCEPTIONS TO LAST THREE SECTIONS—WAIVER OF PROVISIONS.] The

2 last three sections shall apply to any examination of a person as a witness,
 3 unless the provisions thereof are expressly waived upon the trial or exam-
 4 ination by the person confessing, the patient or the client; but a physician or
 5 surgeon may, upon a trial or examination, disclose any information as to the
 6 mental or physical condition of a patient who is deceased which he acquired
 7 in attending such patient professionally, except confidential communications
 8 and such facts as would tend to disgrace the memory of the patient, when
 9 the provision hereinbefore contained prohibiting the disclosure of such infor-
 10 mation has been expressly waived on such trial or examination by the per-
 11 sonal representatives of the deceased patient, or, if the validity of the last will
 12 and testament of such deceased patient is in question, by the executor or exe-
 13 cutors named in such will, or the surviving heirs, widow or any heir at law
 14 or any of the next of kin of such deceased person, or any other party in in-
 15 terest; but nothing herein contained shall be construed to disqualify an attor-
 16 ney in the probate of a will heretofore executed or offered for probate, or here-
 17 after to be executed or offered for probate, from becoming a witness as to
 18 its preparation and execution in case such attorney is one of the subscribing
 19 witnesses thereto.

Sec. 416. BOOK ACCOUNTS.] When, in any civil action or proceeding, the

2 claim or defense is founded on a book account any party or interested per-
 3 son may testify to his account book, and the items therein contained; that the
 4 same is a book of original entries and that the entries therein were made by
 5 himself and are true and just; or that the same were made by a deceased
 6 person, or by a disinterested person and non-resident of the State at the time
 7 of the trial and were made by such deceased person or non-resident person in
 8 the usual course of trade and of his duty to or employment by the party so
 9 testifying; and thereupon the said account book and entries shall be admitted
 10 as evidence in the action.

Sec. 417. ADVERSE PARTY, DIRECTORS, ETC., EXAMINED AS IF UNDER CROSS-EXAMINATION—WHEN RE-EXAMINATION ALLOWED.] Any party to any civil action or proceeding may compel any adverse party or person for whose benefit such action or proceeding is brought, or the directors, officers, superintendents or managing agents of any corporation which is an adverse party to the record in such action, to testify as a witness or witnesses at the trial or hearing of such action, or by depositions taken as other depositions are by law required to be taken, as if under cross-examination, and for that purpose such adverse party or the directors, officers, superintendents or managing agents of a corporation which is an adverse party to the record, may be compelled, in the same manner and subject to the same rules for examination as any other witness, to testify; but the party calling for such examination shall not be concluded thereby but may rebut the testimony thus given by counter-testimony. In case such cross-examination is had by the taking of a deposition, such adverse party may, as a part of the same deposition, be re-examined in his own behalf, or such directors, officers, superintendents or managing agents may be re-examined in behalf of the corporation of whom they are such directors, officers, superintendents or managing agents. In case such cross-examination is had in open court no such re-examination shall be allowed, but such adverse party may thereafter be called as a witness in his own behalf or such directors, officers, superintendents or managing agents may be called and examined as witnesses in behalf of such corporation.

Sec. 418. CALLING OF WITNESS NOT TO GIVE CREDIT—HOW CREDIT OF WITNESS DETERMINED—CROSS-EXAMINATION NOT TO BE LIMITED—LEADING QUESTIONS—ANSWERS NOT RESPONSIVE.] No party calling or examining any witness upon the trial or hearing, or at the taking of a deposition to be read in evidence upon the trial or hearing, of any action or proceeding at law or in equity, shall be held to give credit to, or be in any manner bound by, the testimony of such witness to any greater extent than if such witness had been called or examined by the

8 adverse party; but the testimony given by every witness called or examined
 9 as aforesaid shall be given such credit and such credit only as the court, if
 10 the case be tried by the court without a jury, or the jury, if the case be tried
 11 by jury, shall, under all the circumstances disclosed by the evidence, deem
 12 such testimony justly entitled to. When any party shall call and examine any
 13 witness the opposite party shall be at liberty, during the cross-examination, to
 14 examine such witness upon all matters bearing upon the issues between the
 15 parties, regardless of whether the witness shall have testified regarding such
 16 matters upon his direct examination. The right of any party to propound lead-
 17 ing questions to any witness shall not be dependent upon which party shall
 18 have first called upon the witness to testify, but shall be determined by the
 19 presiding judge, if such witness testifies in open court, from the appearance
 20 of the witness upon the witness stand, his manner of testifying and all the
 21 circumstances disclosed by the evidence, or, if such testimony is given by depo-
 22 sition, it shall be determined by the presiding judge from the deposition itself.
 23 No testimony given by any witness, when such testimony is competent evi-
 24 dence under the issues in the action in which the same is given, shall be re-
 25 jected, stricken out or deemed incompetent because of the answer or answers
 26 of such witness not being responsive to the question or questions propounded
 27 to him, unless the same is objected to by the party propounding such question
 28 or questions.

Sec. 419. INCOMPETENT WITNESS NOT MADE COMPETENT BY RELEASE, ETC.] In
 2 any civil action, or proceeding, no person who would, if a party thereto, be
 3 incompetent to testify therein under the provisions of the preceding sections,
 4 or any of them, shall become competent by reason of any assignment or release
 5 of his claim, made for the purpose of allowing such person to testify.

Sec. 420. ACT NOT TO AFFECT SETTLEMENT OF ESTATES, ETC.] Nothing in this
 2 Act contained shall in any manner affect the laws now existing relating to the

3 settlement of the estates of deceased persons, infants, idiots, lunatics, dis-
 4 tracted persons or habitual drunkards having conservators, or to the acknowl-
 5 edgment or proof of deeds and other conveyances relating to real estate, in
 6 order to entitle the same to be recorded, or to the attestation of the execution
 7 of last wills and testaments, or of any other instrument required by law to
 8 be attested.

Sec. 421. PRODUCTION OF BOOKS AND WRITINGS.] The several courts shall
 2 have power, in any action pending before them, upon motion and good and
 3 sufficient cause shown, and reasonable notice thereof given, to require the par-
 4 ties, or either of them, to produce books or writings in their possession or
 5 power which contain evidence pertinent to the issue.

Sec. 422. PAPERS, ETC., OF COURTS—HOW PROVEN.] The papers, entries and
 2 records of courts may be proved by a copy thereof certified under the hand
 3 of the clerk of the court having the custody thereof, and the seal of the court,
 4 or by the judge of the court, if there be no clerk.

Sec. 423. PAPERS, ETC., OF CITIES, ETC.—HOW PROVEN.] The papers, entries,
 2 records and ordinances, or parts thereof, of any city, village, town or county,
 3 may be proved by a copy thereof, certified under the hand of the clerk or the
 4 keeper thereof, and the corporate seal, if there be any; if not, under his hand
 5 and private seal.

Sec. 424. PAPERS, ETC., OF CORPORATIONS, ETC.—HOW PROVEN.] The papers,
 2 entries and records of any corporation or incorporated association may be
 3 proved by a copy thereof certified under the hand of the secretary, clerk, cash-
 4 ier or other keeper of the same. If the corporation or incorporated association
 5 has a seal, the name shall be affixed to such certificate.

Sec. 425. CERTIFICATE OF CLERK, ETC.—WHAT TO CONTAIN.] The certificate
 2 of any such clerk of a court, city, village, town, county, or secretary, clerk,

3 cashier or other keeper of any such papers, entries, records or ordinances,
 4 shall, excepting as may be otherwise provided by this Act, contain a state-
 5 ment that such person is the keeper of the same, and, if there is no seal, shall
 6 so state.

Sec. 426. PROCEEDINGS, ETC., OF JUSTICES OF THE PEACE.] The proceedings
 2 and judgments before justices of the peace may be proved by a certified copy
 3 thereof, under the hand and private seal of the justice before whom such pro-
 4 ceeding or judgment is had, or his successor, having the custody of the same.
 5 When such certified copy is to be used as evidence in any county other than
 6 that in which the justice so certifying resides, the certificate of the county
 7 clerk shall be annexed, certifying that the justice before whom the proceeding
 8 or judgment was had was, at the time such proceeding or judgment was had,
 9 a justice of the peace, duly commissioned, and if the certificate is by a suc-
 10 cessor, that he was such successor at the time of making such certificate.

Sec. 427. EXAMINED COPIES.] Any such papers, entries, records and ordi-
 2 nances may be proved by copies examined and sworn to by credible witnesses.

Sec. 428. PENALTY FOR FALSE CERTIFICATE.] If any such officer, clerk, sec-
 2 retary, cashier, justice of the peace, or other person authorized to certify
 3 copies of any papers, entries, records or ordinances, shall knowingly make a
 4 false certificate, he shall be punishable in the same manner as if he were
 5 guilty of perjury.

Sec. 429. CERTIFICATE OF REGISTER OF LAND OFFICE, ETC.] The official certifi-
 2 cate of any register or receiver of any land office of the United States, to any
 3 fact or matter on record in his office, shall be received in evidence in any
 4 court in this State, and shall be competent to prove the fact so certified.
 5 The certificate of any such register, of the entry or purchase of any tract of
 6 land within his district, shall be deemed and taken to be evidence of title in

7 the party who made such entry or purchase, or his heirs or assigns, and shall
 8 enable such party, his heirs or assigns, to recover or protect the possession
 9 of the land described in such certificate, in any action of ejectment or forcible
 10 entry and detainer, unless a better legal and paramount title be exhibited for
 11 the same. And the signature of such register or receiver may be proved by
 12 a certificate of the Secretary of State, under his seal, that such signature is
 13 genuine.

Sec. 430. PATENT FOR LAND BETTER EVIDENCE THAN CERTIFICATE.] A patent
 2 for land shall be deemed and considered a better legal and paramount title
 3 in the patentee, his heirs or assigns, than the official certificate of any register
 4 of a land office of the United States, of the entry or purchase of the same land.

Sec. 431. CERTIFIED COPY OF RECORDED PATENT.] In all cases where any
 2 lands or lots have been or may be sold by this State or any of the officers
 3 thereof, under the authority of any law of this State, whereof the patent
 4 shall be issued by the Governor, under the seal of this State, and in case said
 5 patent has been or shall purport to be recorded in the recorder's office of
 6 the county where the lands or lots are situated, and said patent shall be lost,
 7 or out of the power of the party desiring to use the same to produce in evi-
 8 dence, a copy of the record of said patent, certified by the recorder of said
 9 county, may be read in evidence in place of said original patent; which copy
 10 certified as aforesaid, shall be prima facie evidence of the issuing of said pat-
 11 ent, and of the contents thereof. The provisions of this section shall apply to
 12 deeds executed by the trustees of the Illinois and Michigan canal, and to pat-
 13 ents for land issued or granted by the United States.

Sec. 432. COPIES OF BOOKS AND ENTRIES OF SALES—CERTIFICATES OF PURCHASE—
 2 PATENT PARAMOUNT TO CERTIFICATE—SWAMP AND OVERFLOWED LANDS.] Copies of
 3 the books and entries of the sale of all lands or lots heretofore or that here-
 4 after may be sold by this State or any of the officers thereof under any law of

5 this State, certified to be true and correct copies of such books and entries by
6 the proper person or officer in whose custody said books and entries may prop-
7 erly be, shall be prima facie evidence of the facts stated in said books and
8 entries. The certificate of such officer of the purchase of or issuing of a patent
9 for any tract of land sold by this State or any agent of the same, shall be
10 deemed and taken as evidence of title in the party certified to have made such
11 purchase or obtained such patent, his heirs or assigns, unless a better and para-
12 mount title is exhibited for the same. The patent for land shall be deemed a
13 better and paramount title in the patentee, his heirs, and assigns, than such
14 certificate, and when any swamp and overflowed lands and lots heretofore have
15 been or hereafter may be sold under any law of this State by any proper person
16 or officer of the county in which said lands lie, copies of the books and entries
17 of the sales of such swamp and overflowed lands and lots certified to be true
18 and correct copies of such books and entries by the proper person or officer in
19 whose custody such books and entries may properly be, shall be prima facie
20 evidence of the facts stated in such books and entries. The certificate of such
21 officer of the sale or entry of any tract or tracts of such swamp and overflowed
22 land or lots and of the execution of a deed for the same, giving the date of
23 such sale or entry, the date of the execution of the deed, the name of the pur-
24 chaser and description of the land, under the seal of his office may, if the
25 original deed be lost, or it be out of the power of the party wishing to use the
26 same to produce it in evidence, and such original deed has never been recorded,
27 be read in evidence in place of said original deed, and shall be prima facie evi-
28 dence of the execution and delivery of a proper deed for such land and shall
29 be deemed and taken as evidence of title in the person certified to have made
30 such entry or purchase, his heirs and assigns, until a better and paramount
31 title is exhibited for the same. And whenever it shall appear that the original
32 deed made upon any entry or sale of such swamp or overflowed lands is lost,
33 or not in the power of the party wishing to use the same to produce in evidence,

34 and the same has never been recorded as aforesaid and that the books and
 35 original entries of sale of such swamp or overflowed lands or lots have also
 36 been lost or destroyed, and the clerk of the county court or other proper officer
 37 shall have made return of such sales and entries to the auditor of public ac-
 38 counts, according to law, a certified copy of such return by the auditor, under
 39 his seal of office, may be used in evidence with the like force and effect as
 40 hereinbefore provided: *Provided*, that the party applying to the auditor for
 41 such certificate shall pay a fee of one dollar for each certificate.

Sec. 433. DEPOSITION OF RESIDENT WITNESS IN ACTION TRIED WITHOUT A JURY.]

2 When the testimony of any witness residing or being within this State shall be
 3 necessary in any action in equity, or in any action at law, other than a crim-
 4 inal action or one in which one of the parties has filed a demand in writing of
 5 a trial by jury, the party wishing to use the same may cause the deposition of
 6 such witness to be taken before any clerk of a court, master in chancery, notary
 7 public, or court stenographer authorized by this Act to take depositions, with-
 8 out a commission or filing interrogatories for such purpose on giving to the
 9 adverse party, or his attorney, ten days' notice of the time and place of taking
 10 the same, and one day in addition thereto (Sundays inclusive) for every fifty
 11 miles' travel from the place of holding the court to the place where such de-
 12 position is to be taken. If the party entitled to notice and his attorney reside
 13 in the county where the deposition is to be taken, five days' notice shall be
 14 sufficient.

Sec. 434. DEPOSITIONS OF RESIDENT WITNESSES IN ACTIONS TRIED BY JURY.] It

2 shall also be lawful to take the depositions of witnesses residing in this State
 3 to be read in actions at law to be tried by jury, other than criminal actions, in
 4 like manner and upon like notice as is above provided in all cases where the
 5 witnesses reside in different counties from that in which the court is held, or
 6 are about to depart from the State, or are in custody on legal process, or are

7 unable to attend such court on account of advanced age, sickness or other
8 bodily infirmity: *Provided, however,* that in all such cases, excepting where the
9 witnesses are unable to attend court on account of advanced age, sickness or
10 other bodily infirmity, such depositions, unless the parties otherwise agree,
11 shall be taken only at some county seat.

Sec. 435. DEPOSITIONS OF RESIDENT AND NON-RESIDENT WITNESSES UPON WRIT-
2 TEN INTERROGATORIES.] When the testimony of any witness residing within this
3 State more than one hundred miles from the place of holding the court, or not
4 residing in this State, or who is engaged in the military or naval service of
5 this State or of the United States and is out of the State, shall be necessary in
6 any action or proceeding, other than a criminal action, pending in any court
7 of record in this State, it shall be lawful for the party wishing to use the same,
8 on giving to the adverse party or his attorney ten days' previous notice, to-
9 gether with a copy of the interrogatories to be put to such witness, to sue out
10 from the proper clerk's office a *dedimus potestatem* or commission under the
11 seal of the court, directed to any competent or disinterested person as com-
12 missioner, or to any clerk of a court of record, master in chancery, notary
13 public, justice of the peace or court stenographer authorized by this Act to
14 take depositions, of the county in which such witness may reside, or in case it
15 is to take the testimony of a person engaged in such military or naval service,
16 to any commissioned officer in the military or naval service of this State or of
17 the United States, authorizing and requiring him to cause such witness to
18 come before him at such time and place as he may designate and appoint and
19 faithfully to take his deposition upon all such interrogatories as may be en-
20 closed with or attached to said commission, both on the part of the plaintiff and
21 defendant, and none others; and to certify the same when thus taken, together
22 with the said commission and interrogatories, into the court in which such cause
23 shall be pending with the least possible delay.

Sec. 436. NOTICE TO ADVERSE PARTY.] When the deposition of any witness
 2 is desired to be taken under the provisions of this Act and the adverse party
 3 is not a resident of the county in which the action is pending, or is in default
 4 and no attorney has appeared for him in such action, upon the filing of an
 5 affidavit of such fact and stating the place of residence of such adverse party,
 6 if known, or that upon diligent inquiry his place of residence cannot be ob-
 7 tained, the notice required by this Act may be given by sending a copy thereof
 8 by mail, postage paid, addressed to such party at his place of residence if
 9 known, or, if not known, by posting a copy of such notice at the door of the
 10 court house where the action is pending, or publishing the same in the nearest
 11 newspaper, and when interrogatories are required, filing a copy thereof with
 12 the clerk of the court ten days before the time of suing out such commission.

Sec. 437. ORAL INTERROGATORIES.] When a party shall desire to take the
 2 evidence of a non-resident witness or of a witness residing within this State
 3 more than one hundred miles from the place of holding the court, to be used in
 4 any action pending in this State, the party desiring the same, or, when notice
 5 shall have been given that a commission to take the testimony of any such
 6 witness will be applied for, the opposite party, upon giving the other three
 7 days' notice in writing of his election so to do, may have a commission directed
 8 in the same manner as provided in the next but one preceding section of this
 9 Act to take such evidence upon interrogatories to be propounded to the witness
 10 orally, upon the taking of which each party may appear before the commis-
 11 sioner, in person or by attorney, and interrogate the witness. The party de-
 12 siring such testimony shall give to the other the following notice of the time
 13 and place of taking the same, to-wit: ten days and one day in addition thereto
 14 (Sundays included) for every one hundred miles travel from the place of hold-
 15 ing the court to the place where such deposition is to be taken.

Sec. 438. NON-ATTENDANCE OF PARTY GIVING NOTICE—PENALTY.] When a
 2 party to an action shall give the opposite party notice to take a deposition upon

3 oral interrogatories, and shall fail to take the same accordingly, unless such
4 failure be on account of the non-attendance of the witness, not occasioned by
5 the fault of the party giving the notice or some other unavoidable cause, the
6 party notified, if he shall attend himself or by attorney, agreeably to the notice,
7 shall be entitled to five dollars (\$5) per day for each day he may attend under
8 such notice, and to six (6) cents per mile for every mile that he shall neces-
9 sarily travel in going to and returning from the place designated to take the
10 deposition, to be allowed by order of the court where the action is pending
11 and the payment of the same to be enforced by execution or by attachment of
12 the party against whom the same is allowed in the discretion of the court.

Sec. 439. METHOD OF TAKING DEPOSITIONS.] Previous to the examination of
2 any witness whose deposition is about to be taken as aforesaid, he or she shall
3 be sworn (or affirmed) by the person or persons authorized to take the same,
4 to testify the truth in relation to the matter in controversy so far as he or she
5 may be interrogated; whereupon the person authorized to take the deposition
6 shall proceed to examine such witness upon all such interrogatories as may
7 be enclosed with or attached to any such commission as aforesaid, and which are
8 directed to be put to such witness, or where the testimony is taken upon oral
9 interrogatories upon all such interrogatories as may be directed to be put by
10 either party litigant, and, if such interrogatories are enclosed with any such
11 commission, shall cause the same, together with the answers of the witnesses
12 thereto, to be reduced to writing in the order in which they shall be proposed
13 and answered and signed by such witness after which it shall be the duty of
14 the person taking such deposition to annex at the foot thereof a certificate
15 subscribed by himself stating that it was sworn to and signed by the deponent
16 and the time and place when and where the same was taken. If such deposi-
17 tion is taken upon oral interrogatories the person authorized to take the depo-
18 sition may, and, at the request of either of the parties, shall, cause such inter-
19 rogatories, together with the answers of the witness thereto, either to be taken

20 down in type-writing by a competent typewriter, or to be taken down by a
21 competent stenographer and thereafter transcribed by such stenographer from
22 his or her stenographic notes, and when so taken down, or taken down and
23 transcribed, as the case may be, shall cause the same to be signed by the wit-
24 ness and shall thereupon annex at the foot thereof the certificate hereinbefore
25 in this section provided for: *Provided, however,* that when any such deposition
26 so taken down in typewriting or stenographically shall be taken before the
27 clerk of any court of record, master in chancery, or court stenographer author-
28 ized by this Act to take depositions, the signature of the witness thereto shall
29 be unnecessary and the officer taking the deposition shall annex at the foot
30 thereof a certificate subscribed by himself stating that the deposition was
31 taken down in typewriting, or taken down stenographically and correctly
32 transcribed from the stenographic notes thereof, and giving the time and
33 place when and where the same was taken. Every such deposition when thus
34 taken, subscribed and certified, and copies of all exhibits produced to the said
35 person taking the deposition, as aforesaid, or which shall be proved or referred
36 to by any witness, together with the commission and interrogatories, if any,
37 shall be enclosed, sealed up and directed to the clerk of the court in which the
38 action shall be pending with the names of the parties litigant endorsed thereon:
39 *Provided,* that when any deposition shall be taken as aforesaid by any officer
40 out of the State such return shall be accompanied by a certificate of his official
41 character under the great seal of the state or under the seal of the proper court
42 of record of the county or city wherein such deposition shall be taken. When-
43 ever any deposition shall be taken down in typewriting, or taken down steno-
44 graphically and transcribed, to be used in any action pending in a court of
45 record of this State, in addition to the original copy thereof there shall be made
46 and delivered to each party to the action, who may have entered a separate ap-
47 pearance, a carbon copy thereof.

Sec. 440. DEPOSITION UNSEALED—OPENING AND FILING.] Every deposition
 2 that shall be returned to the court unsealed or the seal of which shall be broken
 3 previous to the receipt by the clerk to whom it is directed, shall, if objection be
 4 made thereto in proper time, be regarded by the court as informal and in-
 5 sufficient: *Provided, however, that* in any such case the same may nevertheless
 6 be read in evidence if the party proposing to read the same in evidence shall
 7 prove to the satisfaction of the court that such deposition was properly taken
 8 and certified and that the same has been in no manner changed or altered
 9 since the same was so certified. Upon the receipt of any deposition by the clerk
 10 of the court to which the same has been returned it shall be his duty to open
 11 and file the same.

Sec. 441. PARTY, ETC., NOT TO DICTATE DEPOSITION, ETC.] The party, his at-
 2 torney, or any person who shall in anywise be interested in the event of the
 3 action, shall not be permitted to dictate, write or draw up any deposition
 4 which may at any time be taken under this Act or be present during the taking
 5 of any deposition by written interrogatories; and every deposition so dictated,
 6 written up or drawn up, or during the taking of which any such party, his at-
 7 torney or any person so interested is present, when the same is taken upon
 8 written interrogatories as aforesaid, shall be rejected by the court as informal
 9 and insufficient.

Sec. 442. DEPOSITION TO BE COMPETENT EVIDENCE.] Every examination and
 2 deposition which shall be taken and returned according to the provisions of
 3 this Act may be read as good and competent evidence in the action in which
 4 it shall be taken, or in any other action between the same parties or their
 5 privies involving the same issues, as if such witness had been present and ex-
 6 amined by parol in open court on the hearing or trial thereof.

Sec. 443. WHEN FURTHER EXAMINATION ALLOWED.] If it shall appear to
 2 the satisfaction of the court that any witness has not given full or proper

3 answers to the interrogatories or cross-interrogatories accompanying the com-
 4 mission to take his testimony, or that a further examination ought to be al-
 5 lowed to either party for the ends of justice, the court may allow another
 6 commission to issue to the same or other commissioner to further examine the
 7 witness in such manner and upon such conditions and notice as the court shall
 8 direct.

Sec. 444. COMPELLING ATTENDANCE OF WITNESSES WHEN ACTION PENDING

2 IN THIS STATE.] Every officer authorized by this Act to take depositions
 3 and who may at any time be required to take a deposition in any cause
 4 pending in any court of record of this State, shall have power and authority
 5 to issue subpoenas, if necessary, to compel the attendance of all such witnesses
 6 as shall be named in the commission, or by the parties litigant when no com-
 7 mission is necessary, in the same manner as witnesses are directed to be sub-
 8 poenaed in other actions, and when any witness shall wilfully neglect or refuse
 9 to obey any such subpoena, or shall refuse to testify or to subscribe his
 10 deposition when correctly taken, the officer issuing such subpoena shall at once
 11 report in writing the facts of such wilful refusal or neglect, accompanying the
 12 same with copy of the commission or other authority received by him, together
 13 with a copy of the subpoena and return of service thereof, to the court in which
 14 such action is pending, and thereupon such court shall have power to issue
 15 an attachment against such offending witness, returnable forthwith, and, upon
 16 the return of such attachment, shall hear and determine the matter in a sum-
 17 mary way, and if it appear to the court that the neglect or refusal of such
 18 witness to appear or testify, or to subscribe such deposition as aforesaid, is
 19 wilful and without lawful excuse, the court may punish such witness by fine or im-
 20 prisonment in the county jail, or both, as the nature of the case may require,
 21 as is now or as may hereafter be lawful for the court to do in cases of contempt
 22 of court.

Sec. 445. COMPELLING ATTENDANCE OF WITNESSES WHEN DEPOSITIONS FOR USE

2 IN FOREIGN COURTS.] Whenever any clerk of a court, master in chancery, or court
3 stenographer authorized by this Act to take depositions, is directed, required
4 or authorized by any commission or other authority issued out of any court
5 of record in any other state, territory or country to take any deposition or
6 depositions he shall have power to issue subpoenas, if necessary, to compel the
7 attendance of witnesses in like manner as if such depositions were taken in an
8 action pending in a court of record of this State, and when he shall be
9 unable to secure the attendance of any witness named in such commission, or
10 any witness named in such commission shall wilfully neglect or refuse to tes-
11 tify before such clerk, master in chancery, or court stenographer, or to sub-
12 scribe his deposition when correctly taken, such clerk, master in chancery or
13 court stenographer may report in writing the facts of his being unable to
14 secure the attendance of such witness, or of such wilful refusal or neglect, as
15 the case may be, accompanying the same with a copy of the commission or other
16 authority received by him, to the circuit court of the county in which said
17 deposition is desired to be or has been taken, or been attempted to be taken,
18 and, upon such notice to such witness as such court may deem reasonable, may
19 apply to such court for an order requiring such witness to attend and testify be-
20 fore such clerk, master in chancery or court stenographer at such time and
21 place as may be specified in such order, and the court may make any order
22 which the court may deem necessary to compel such witness to attend before
23 such clerk, master in chancery or court stenographer and to answer all proper
24 questions which may be propounded to him under and in pursuance of such
25 commission and may enforce compliance with such order by issuing an attach-
26 ment against the offending witness and punishing such witness by fine or
27 imprisonment in the county jail, or by both, as the nature of the case may re-
28 quire, as is now or as may hereafter be lawful for the court to do in cases of
29 contempt of court.

Sec. 446. COURT MAY SHORTEN NOTICE, ETC.] The court in which any action
 2 other than a criminal action, is pending may at any time, in its discretion,
 3 whenever, in its judgment, such course seems proper and expedient, order the
 4 deposition of any witness to be taken in such action upon shorter notice than
 5 that hereinbefore provided for, or it may, in its order, fix the time and place
 6 of the taking of such deposition and specify the officer before whom the same
 7 is to be taken, and any deposition so taken may be read in evidence with the
 8 same effect as if it had been taken in accordance with the notice hereinbefore
 9 specified.

Sec. 447. FEES—CROSS-EXAMINATION.] The party on whose behalf any dep-
 2 osition is taken shall pay the fees of the officer for the taking of the same in
 3 typewriting, or taking the same stenographically and transcribing the same,
 4 as the case may be, together with the fees of such officer for a carbon copy
 5 thereof for such party and a carbon copy thereof for the opposite party,
 6 which fees shall be taxed as costs in the action: *Provided, however,* that when
 7 the transcript of the cross-examination of any witness shall exceed in length
 8 the transcript of the direct examination of such witness by more than two
 9 thousand (2,000) words the fees of the officer for said excess over and above
 10 said two thousand (2,000) words shall be paid by the party cross-examining
 11 such witness and the same may be taxed as costs in his favor. In case of the
 12 refusal of the party cross-examining the witness to pay for such excess the
 13 cross-examination of such witness, to the extent of such excess, shall be omitted
 14 from the transcript of such deposition, unless the party on whose behalf the
 15 deposition is taken shall elect himself to pay the said fees, the same to be taxed
 16 as costs in his favor, and such deposition may be read in evidence with the same
 17 effect as if the transcript thereof contained all of such cross-examination.

Sec. 448. FEES PAYABLE IN ADVANCE—ATTACHMENT.] The fees for the tak-
 2 ing of any deposition before any clerk of a court, master in chancery or court

3 stenographer, including the fees for the transcript and carbon copies thereof,
 4 shall be payable in advance, so far as the same may be estimated, and at all
 5 events upon the completion of the typewriting or transcribing of the same.
 6 The court in which the action or proceeding is pending, as evidence in which
 7 any deposition is taken before any officer mentioned in this section, may com-
 8 pel the payment of the fees hereinbefore provided for by attachment of the
 9 party liable for such fees, and the court before the clerk, a master in chancery
 10 or a court stenographer of which any deposition is taken for use in any other
 11 court of this State, or in a court of any other state, territory or country, may
 12 compel the payment of the fees for the taking of such deposition by attach-
 13 ment of the party liable for such fees.

Sec. 449. ORAL EVIDENCE UPON MOTIONS, ETC.] Whenever, in any action,
 2 evidence shall be necessary concerning any fact in support of or in opposition
 3 to any interlocutory or other motion or application other than an application
 4 for a change of venue, the court may, in its discretion, require such evidence to
 5 be presented by the oral examination of witnesses in open court or otherwise,
 6 and may make all necessary orders for such oral examination.

Sec. 450. ORAL TESTIMONY IN EQUITY.] On the trial of every action in equity
 2 oral testimony shall be taken when desired by either party.

Sec. 451. EVIDENCE IN REPORT OF PROCEEDINGS IN TRIAL BY COURT TO BE COM-
 2 PETENT UPON NEW TRIAL OR HEARING.] Whenever, in any action at law or in
 3 equity tried by the court without a jury in which the evidence heard by the court
 4 is preserved in a report of the proceedings settled and signed by the presiding
 5 judge, the judgment or decree of the court is, upon appeal or writ of error,
 6 reversed and the cause remanded to the court of original jurisdiction for a new
 7 trial or hearing, entitling either of the parties to the introduction of evidence,
 8 the evidence preserved in such report shall, as a matter of course, and without
 9 any order of court therefor, be deemed and taken as a part of the evidence in-

10 introduced upon such new trial or hearing, and the respective parties shall be
 11 at liberty to supplement the same by such further evidence as they may deem
 12 necessary or proper and as may be competent and material and either party
 13 shall be at liberty to subpoena and require the attendance of any witness at-
 14 tending on the former trial for the purpose of further examination or cross-
 15 examination. In case, after such new trial or hearing, either party shall
 16 require the settlement and signature by the presiding judge of a report of the
 17 proceedings, such report shall contain no portion of the evidence or other pro-
 18 ceedings contained in the former report, but such former report shall, as a
 19 matter of course, and without any order of court, be treated and considered as
 20 a part of the record for the purposes of a subsequent appeal or writ of error.

Sec. 452. EVIDENCE IN REPORT OF PROCEEDINGS IN TRIAL BY JURY MAY BE READ
 2 UPON NEW TRIAL.] Whenever, in any action at law or in equity tried by jury
 3 in which the evidence introduced upon such trial is preserved in a report of the
 4 proceedings settled and signed by the presiding judge, the judgment or decree
 5 entered in such action is, upon appeal or writ of error, reversed and the cause
 6 remanded for a new trial by jury, both parties to the action, whether such new
 7 trial shall be by jury or without a jury, shall be at liberty to read from such
 8 report of the proceedings of the former trial the testimony of any witness,
 9 who testified upon such former trial in lieu of recalling and examining such
 10 witness.

Sec. 453. PERPETUATION OF TESTIMONY.] In all cases hereafter, where any
 2 person shall desire to perpetuate the remembrance of any fact, matter or thing,
 3 which may relate to the boundaries or improvements of land—name or former
 4 name of water courses—the name or former name of any portion or district
 5 or county—regarding the ancient customs, laws and usages of the inhabitants
 6 of any part of this country, so far as the same may relate to the future settle-
 7 ment of the land claims, or touching the marriage or pedigree of any person

8 or persons, or any other matter or thing necessary to the security of any es-
 9 tate, real, personal or mixed, or any private right whatever, it shall be
 10 lawful for such person, upon filing a petition supported by affidavit, in the
 11 circuit court of the proper county, setting forth, briefly and substantially, his
 12 interest, claim or title in or to the subject concerning which he desires to per-
 13 petuate evidence, the fact intended to be established, and the names of all
 14 other persons interested or supposed to be interested therein, and whether
 15 there are any persons interested therein whose names are unknown to the
 16 petitioner, and the name of the witness proposed to be examined, to sue out
 17 from such court a *dedimus potestatem* or commission, directed to any compe-
 18 tent and disinterested person as commissioner, or to any judge, commissioner
 19 of deeds, master in chancery, notary public, clerk of a court, or justice of the
 20 peace in the county in which such witness resides, or in which the testimony is
 21 to be taken, authorizing him or them to take the deposition of such witness.

Sec. 454. PETITION TO BE DOCKETED AS ACTION IN EQUITY.] Such petition
 2 shall be docketed by the clerk as other actions in equity, the petitioner being
 3 designated as plaintiff, and the persons stated to be interested, as aforesaid, as
 4 defendants—the parties whose names are unknown being designated as “un-
 5 known owners.”

Sec. 455. SEVERAL COMMISSIONS MAY ISSUE.] Several commissions may be
 2 issued, upon the same petition, to different commissioners, or officers, either
 3 within or without this State, to take the testimony of different witnesses, or
 4 witnesses residing in different places, or the same commissioners or officers
 5 may proceed from place to place to take the same.

Sec. 456. NOTICE TO PARTIES INTERESTED.] Before taking the testimony of
 2 a witness, the person suing out such commission shall give to each and every
 3 person known to be interested in the subject matter of such testimony, or his
 4 attorney, or, if a minor, his guardian, or, if he has no guardian, or if his

5 guardian is interested, to such guardian ad litem as shall be appointed by the
 6 court, or to his or her conservator, if he or she has one, two weeks' notice, in
 7 writing, of the time and place when and where the testimony will be taken,
 8 which notice shall state when and where the petition was filed, the names of
 9 the parties and witnesses mentioned in the petition, and a short statement of
 10 the subject matter concerning which the testimony is to be taken.

Sec. 457. NOTICE TO NON-RESIDENT PARTIES—UNKNOWN OWNERS.] Notice to
 2 non-resident parties, or such as cannot be found so as to be personally served,
 3 and to unknown owners, may be given in the same manner as is provided for
 4 notifying non-resident parties in suing out a commission to take testimony in
 5 an action pending.

Sec. 458. COURT MAY PRESCRIBE NOTICE.] When, in the opinion of the court,
 2 no sufficient provision is made by law for giving notice to parties adversely
 3 interested, the court may order such reasonable notice to be given as it shall
 4 deem proper.

Sec. 459. PERSONS INTERESTED MAY ATTEND—CROSS-EXAMINATION, ETC.] Ev-
 2 ery person who may think himself interested in the subject of a deposition
 3 about to be taken, may attend, by himself or his attorney, at the time and place
 4 of taking such testimony, and may examine and cross-examine such deponent;
 5 and all such questions as may be proposed, together with the answers thereto
 6 by the witness, shall be reduced to writing in the English language, as near
 7 as possible in the exact words of such deponent, which said questions and an-
 8 swers, when reduced to writing as aforesaid, shall be distinctly read over to
 9 the witness, and, if found to be correct, shall be signed by him in the presence of
 10 the commissioner or officer before whom the same is taken, who shall there-
 11 upon administer an oath or affirmation to such witness, as to the truth of the
 12 deposition so taken as aforesaid, and shall annex at the foot thereof a certifi-
 13 cate, subscribed by such commissioner or officer, stating that it was sworn to

14 and signed by the deponent, and the time and place when and where the same
15 was taken; and all such depositions, when thus taken, shall be carefully sealed
16 up, and transmitted to the clerk of the circuit court of the county from which
17 such dedimus shall have been issued, within thirty days from the time of tak-
18 ing the same; who shall thereupon enter the same at large upon the records in
19 his office, and shall certify on the back of such deposition that the same has been
20 duly recorded, and return it to the person for whose benefit it shall have been
21 taken.

Sec. 460. DEPOSITIONS COMPETENT EVIDENCE WHEN.] All depositions taken
2 under the provisions of the seven preceding sections, or a certified copy of the
3 record thereof, may be used as evidence in any action to which the same may
4 relate, in the same manner and subject to the same conditions and objections
5 as if it had been originally taken in the action or proceedings in which it is
6 sought to be used; and parties notified as "unknown owners," in the manner
7 hereinbefore provided, shall be bound to the same extent as other parties.

Sec. 461. INTERPRETERS.] Interpreters may be sworn to truly interpret
2 when necessary.

Sec. 462. TESTIMONY TAKEN BY COMMISSIONS OF SURVEYORS.] All testimony
2 that has been or may hereafter be taken by commissions of surveyors for the
3 establishing of original corners of land, shall be filed with their report to court,
4 and may be read as evidence in all actions in reference to said corners here-
5 after.

Sec. 463. PROOF OF TITLE OF ILLINOIS CENTRAL RAILROAD LANDS.] Whenever it
2 shall become necessary, in any legal proceeding, to prove the title of the Illinois
3 Central Railroad Company, or of the trustees of said railroad company, or of
4 any person claiming title through or under said company or trustees, to any
5 of the lands granted by the State to said railroad company under the provi-

6 sions of the Act incorporating said company, the record in the proper county
 7 (or a transcript of such record, duly certified by the custodian thereof), of
 8 the list purporting to contain the tracts of land selected by said railroad com-
 9 pany in such county, and purporting to be certified by the commissioner of
 10 the general land office as being a true abstract from the original list of selec-
 11 tions by said company, shall be sufficient prima facie evidence of title in the
 12 said railroad or the trustees thereof, as the case may be, to the lands em-
 13 braced in such list; and the record in the proper county (or a duly certified
 14 copy thereof by the custodian of such record), of the map or profile of said
 15 railroad or branches, shall be sufficient prima facie evidence of the line of
 16 location of said railroad or its branches in such county.

Sec. 464. COMMISSION OF TRUSTEES.] A copy of the commission issued by
 2 the Governor or by the president of said railroad company to any successor
 3 of any of the original trustees (or any of their successors) named in said Act
 4 of incorporation, certified by the Secretary of State under the great seal of
 5 the State, or by the commissioner of the land department of said railroad
 6 company or its president, under the common seal of said company, as the
 7 case may be, shall be sufficient prima facie evidence of the regular appoint-
 8 ment and due authority of the person named as trustee in such commission.

Sec. 465. PROOF OF EXECUTION OF DEED, ETC.] Whenever any deed, mort-
 2 gage, conveyance, release, power of attorney or other writing of, or relating
 3 to the sale, conveyance or other disposition of real estate, or any interest
 4 therein, or any other instrument in writing not required by law to be attested
 5 by the subscribing witness, may be offered in evidence in any civil action pend-
 6 ing in any court of law or equity in this State, and the same shall appear to
 7 have been so attested, and it shall become necessary to prove the execution of
 8 any such deed or other writing otherwise than as now provided by law, it shall
 9 not be necessary to prove the execution of the same by a subscribing witness

10 to the exclusion of other evidence, but the execution of such instrument may
 11 be proved by secondary evidence without producing or accounting for the
 12 absence of the subscribing witness or witnesses.

DIVISION XXVII.

INTERVENTIONS IN ACTIONS AT LAW.

SECTION.

466. For what purpose person may inter-
 vene.

467. Intervention for purpose of asserting
 interest in property in controversy—
 forms.

468. Notice of application — procedure—
 form.

SECTION.

469. Trial of issues.

470. Separate trial may be granted.

471. Judgment.

472. Intervention to assert title to property
 levied on.

473. Notice—procedure—order—forms.

Section 466. FOR WHAT PURPOSE PERSON MAY INTERVENE.] Any person not
 2 a party to an action at law may intervene therein for the purpose of asserting
 3 an interest in or title to the property, or some portion thereof, in controversy
 4 therein, or which may have been seized or otherwise taken possession of under
 5 any writ of attachment or distress warrant issued in such action, or by virtue of
 6 any order of court entered therein or by any receiver appointed therein.

Sec. 467. INTERVENTION FOR PURPOSE OF ASSERTING INTEREST IN PROPERTY IN
 2 CONTROVERSY—FORMS.] When such intervention is for the purpose of asserting
 3 an interest in or title to the property, or some portion thereof, in controversy in
 4 such action at law, such intervention shall be accomplished by the filing in such
 5 action, by leave of the court, of a statement of the intervener's claim, verified
 6 by the affidavit of the intervener, his agent or attorney, that the claim is asserted
 7 by him in good faith and that he believes the same to be well founded. Such
 8 statement shall specify the court in which the action is pending, and the title,

9 classification and number of the action and shall set forth the plaintiff's claim,
 10 describing the property claimed and the interest claimed by the intervener. The
 11 following forms of statements of intervener's claims and affidavits accompanying
 12 the same under this section shall be deemed sufficient and shall be taken as fur-
 13 nishing suggestions from which other statements and affidavits may be properly
 14 framed:

15 1. STATEMENT OF INTERVENER'S CLAIM IN EJECTMENT.

16 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

17 John Doe }
 18 v. } Ejectment. No. 24.
 19 Richard Roe. }

20 STATEMENT OF INTERVENER'S CLAIM.

21 Henry Thomas, of Cook county, Illinois, claims title in fee simple to Lot One
 22 (1), in Block Two (2), in the city of Chicago, Illinois, in controversy in the above
 23 entitled action and the right to recover the possession thereof, together with
 24 five hundred dollars (\$500) for use and occupation from the defendant Richard
 25 Roe.

26 HENRY THOMAS,
 27 By WILLIAM SMITH,
 28 *His Attorney.*

29 Henry Thomas on his oath says that the foregoing claim is asserted by him
 30 in good faith and that he believes the same is well founded.

31 HENRY THOMAS.

32 Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

33 2. STATEMENT OF INTERVENER'S CLAIM IN REPLEVIN.

34 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

35 John Doe }
 36 v. } Replevin. No. 48.
 Richard Roe. }

37 STATEMENT OF INTERVENER'S CLAIM.

38 Henry Thomas, of Cook county, Illinois, claims he is the owner and is en-
 39 titled to the possession of one bay horse with a white star in the forehead, being

a part of the property replevied and in controversy in the above entitled action.

HENRY THOMAS,
By WILLIAM SMITH,
His Attorney.

(Here add affidavit as in first form.)

3. CLAIM OF SHERIFF AS INTERVENER IN ACTION OF REPLEVIN.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Replevin. No. 48.

STATEMENT OF INTERVENER'S CLAIM.

Henry Thomas, as sheriff of Cook county, Illinois, claims to be entitled to the possession of the property in controversy in the above entitled action by virtue of an execution issued out of said circuit court of Cook county and delivered to him on February 8, 1908, upon a judgment for eight hundred dollars (\$800) and costs of the action in favor of John Brown and against Richard Roe.

HENRY THOMAS,
By WILLIAM SMITH,
His Attorney.

(Here add affidavit as in first form.)

4. INTERVENER'S CLAIM IN ACTION ON CONTRACT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Contract. No. 26.

STATEMENT OF INTERVENER'S CLAIM.

Henry Thomas, of Cook county, Illinois, claims to be the owner of and to be entitled to recover from the defendant, Richard Roe, the amount of the promissory note upon which the above entitled action is brought, to-wit: a promissory note for the sum of five hundred dollars (\$500), dated December 1, 1907, made by said Richard Roe and payable to the order of William Smith one year after date with interest at six per cent. per annum and by said William Smith indorsed.

HENRY THOMAS,
By WILLIAM SMITH,
His Attorney.

(Here add affidavit as in first form).

Sec. 468. NOTICE OF APPLICATION —PROCEDURE—FORM.] The party desiring
 2 to intervene for the purpose aforesaid shall give to the other parties to the ac-
 3 tion notice in writing of his application therefor, together with a copy of the
 4 statement of claim and of the affidavit verifying the same proposed to be filed,
 5 at least one day prior thereto, and, upon leave being granted by the court to file
 6 the same and upon the same being filed, the statement of claim or other papers
 7 filed by the plaintiff, and the specification of defense or defenses or other papers,
 8 if any, filed by the defendant, shall stand and be treated as the specification or
 9 specifications of defense or defenses of the plaintiff and the defendant respec-
 10 tively, to said statement of intervener's claim. The following form of notice
 11 shall be deemed sufficient and shall be taken as furnishing suggestions from
 12 which other notices may be properly framed:

13 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

14 John Doe
 15 v. Richard Roe. } Replevin. No. 48.

16 NOTICE OF INTERVENTION.

17 To the parties to the above entitled action:

18 You are hereby notified that at ten o'clock A. M., on Thursday, the 12th
 19 day of February, 1908, I shall move the court, before Hon. John Jones, Judge,
 20 for leave to file an intervener's claim, of which a copy is herewith served, in the
 21 above entitled action.

22 HENRY THOMAS,
 23 By WILLIAM SMITH,
 24 *His Attorney.*

Sec. 469. TRIAL OF ISSUES.] Unless otherwise ordered by the court the issues
 2 upon such intervener's claim shall be tried with the other issues in the action,
 3 by the court without a jury, if neither the plaintiff nor the defendant in the ac-
 4 tion shall have filed a demand in writing of a trial by jury, or by a jury, if either
 5 of said parties shall have filed such demand in writing of a trial by jury.

Sec. 470. SEPARATE TRIAL MAY BE GRANTED.] The court may, for good cause

2 shown, direct that the issues upon the statement of the intervener's claim be
3 tried separately from the trial of the issues between the plaintiff and the defend-
4 ant in the action.

Sec. 471. JUDGMENT.] Upon the determination of the issues upon such

2 statement of the intervener's claim, the court shall render such judgment in the
3 premises as the verdict of the jury or the finding of the court, as the case may
4 be, may require.

Sec. 472. INTERVENTION TO ASSERT TITLE TO PROPERTY LEVIED ON.] When such

2 intervention is for the purpose of asserting an interest in or title to the property,
3 or some portion thereof, seized or otherwise taken possession of under any writ
4 of attachment or distress warrant issued in such action, or by virtue of any order
5 of court entered therein, or by any receiver appointed therein, such intervention
6 shall be accomplished by the filing in such action, by leave of court, of a petition
7 verified by affidavit of the petitioner, his agent or attorney, that the same is true
8 in substance and in fact. Such petition shall specify the court in which the action
9 is pending, and the title, classification and number of the action and shall set
10 forth a description of the property claimed and the interest in or title thereto
11 claimed by the intervener. The following form of petition shall be deemed suf-
12 ficient and shall be taken as furnishing suggestions from which other petitions
13 may be properly framed:

14 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

15 John Doe
16 v. Richard Roe. } Attachment. No. 49.

17 INTERVENER'S PETITION.

18 The petitioner, Henry Thomas, of Cook county, Illinois, says that he is the
19 owner and entitled to the possession of one bay horse with a white star in the

forehead, which horse was levied upon by the sheriff under the writ of attachment issued in the above entitled action and is now held by said sheriff under said levy.

Wherefore petitioner prays for an order for the delivery of said horse to the petitioner.

HENRY THOMAS,

By WILLIAM SMITH,

His Attorney.

Henry Thomas on his oath says that he is the petitioner in the foregoing petition and that the matters and things therein set forth are true in substance and in fact.

HENRY THOMAS.

Subscribed and sworn to before me this 10th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 473. NOTICE—PROCEDURE—ORDER—FORMS.] The party desiring to file such petition shall give to the other parties to the action notice in writing of his application therefor, together with a copy of the petition and of the affidavit verifying the same proposed to be filed, at least one day prior thereto, and, upon leave being granted by the court to file the same, the court, if the facts set forth in the petition are admitted by all the parties to the action, shall enter such order as such facts may require, or, if the facts set forth in the petition are not admitted by all the parties to the action, shall proceed to hear the evidence offered in support of and in opposition to such petition and shall make such order with respect to the interest in or title to the property claimed by the intervener as the facts found by the court may require: *Provided, however,* that if either of the parties to the action shall have filed a demand in writing of a trial by jury, the issues upon such petition may, at the election of such party, be tried by a jury. The following forms of orders provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders may be properly framed:

1. ORDER DISMISSING INTERVENING PETITION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

19	John Doe	} Attachment. No. 49.
	v.	
20	Richard Roe.	
		February 17, 1908.
		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this action and of the intervener's petition herein and of the person of the defendant by service of summons, hears the proofs upon the intervener's petition of Henry Thomas in open court and thereupon, upon consideration thereof, the court doth order that the said intervener's petition be and the same is hereby dismissed and that the plaintiff have and recover of said Henry Thomas his costs herein to be taxed.

2. ORDER GRANTING RELIEF UPON INTERVENER'S PETITION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

30	John Doe	} Attachment. No. 49.
	v.	
31	Richard Roe.	
		February 17, 1908.
		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the intervener's petition herein and of the person of the defendant by service of summons, hears the proofs upon the intervener's petition of Henry Thomas in open court and thereupon, upon consideration thereof, the court doth order that said intervening petitioner, Henry Thomas, have and recover possession of the one bay horse with a white star in the forehead mentioned in the intervener's petition, and that the same be delivered to him by the sheriff of Cook county, and that said intervener, Henry Thomas, have and recover of the plaintiff, John Doe, his costs of the action.

DIVISION XXVIII.

GARNISHMENT.

SECTION.

- 474. When garnishee may be summoned.
- 475. Appearance of garnishee—answers to interrogatories—forms.
- 476. Citation to garnishee—proceedings thereon.
- 477. Action against garnishee.
- 478. Judgment on answer of garnishee—form.
- 479. Default against garnishee—judgment—form.
- 480. Appearance of or notice to third person—form.
- 481. Default of person notified—appearance—form.
- 482. What garnishee may retain.
- 483. When garnishee not liable on negotiable instrument.
- 484. To what extent judgment will acquit garnishee.
- 485. Discharge of garnishee no bar.

SECTION.

- 486. Proceeding against executor—etc., of garnishee.
- 487. No execution against garnishee until debt due.
- 488. Garnishee to deliver goods to sheriff—application of proceeds.
- 489. Procedure as to property pledged.
- 490. Property held as security other than for payment of money.
- 491. Disposition of goods and chattels by officer.
- 492. Power of court as to property in hands of the garnishee.
- 493. Procedure when garnishee refuses to deliver goods, etc.
- 494. Garnishee may receive goods in payment when.
- 495. Costs—how paid—garnishee's fees.
- 496. Forms of orders and judgments.

Sec. 474. WHEN GARNISHEE MAY BE SUMMONED.] When the plaintiff in any
 2 action of attachment shall believe that any person or corporation is indebted to
 3 the defendant, or has any effects or estate of such defendant in his possession,
 4 custody or charge, the plaintiff may cause such person or corporation to be sum-
 5 moned as a garnishee in the manner hereinbefore provided.

Sec. 475. APPEARANCE OF GARNISHEE—ANSWERS TO INTERROGATORIES—FORM.]
 2 When any person is summoned as a garnishee he shall file his appearance in the
 3 action on or before the Thursday succeeding the day specified in this act for his
 4 appearance and shall file with his appearance full, direct and true answers under
 5 oath to all and singular the interrogatories filed by the plaintiff and shall de-
 6 liver or cause to be delivered a copy of such appearance and of his answers to
 7 such interrogatories to the plaintiff, or the plaintiff's attorney, and also a copy

to the defendant, or the defendant's attorney, if the defendant shall have entered his appearance in the action. Such appearance and answers to interrogatories may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Attachment. No. 25.

ENTRY OF APPEARANCE OF GARNISHEE.

Henry Jones, as garnishee in the above entitled action, hereby enters his appearance and presents his answers to the interrogatories herein.

HENRY JONES,
By WILLIAM SMITH,
Garnishee's Attorney,
19 Monroe Street, Chicago, Ill.

ANSWERS TO INTERROGATORIES.

Henry Jones, the garnishee in the above entitled action, makes the following answers to the interrogatories filed herein:

1. (Here insert answer to interrogatory No. 1 and thereafter consecutively the answer to each subsequent interrogatory.)

Henry Jones upon his oath says that the foregoing answers made by him to the interrogatories filed herein by the plaintiff to be answered by him, the said Henry Jones, as garnishee, are true in substance and in fact.

HENRY JONES.

Subscribed and sworn to before me this 25th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 476. CITATION TO GARNISHEE—PROCEEDINGS THEREON.] When any gar-

nishee, having been duly served with the garnishee summons and a copy of the interrogatories, fails to file his appearance, together with an answer to such interrogatories, on or before the day specified therefor in this act, or when, upon the filing by such garnishee of his appearance, together with his answers to the interrogatories, the plaintiff is of the opinion that such garnishee has not truly discovered the lands, tenements, goods, chattels, moneys, choses in action, credits and effects of the defendant in the attachment, the plaintiff in the attach-

ment may, after he shall have obtained a judgment in such action against the defendant, apply by petition to the court for and obtain a citation to such garnishee requiring him to appear before the court, or before some officer thereof, at a time and place to be specified in such citation, and be examined under oath concerning such debtor's property, and thereupon such proceedings may be had, as near as may be, as are hereinafter provided with respect to a citation to a person other than the judgment debtor issued in a supplementary proceeding after the entry of a judgment and upon the return, wholly or partly unsatisfied, of an execution issued thereon. The petition for a citation and the citation provided for in this section may be in substantially the following form:

1. PETITION FOR CITATION TO GARNISHEE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Attachment. No. 25.

PETITION FOR CITATION TO GARNISHEE.

The plaintiff says:

1. That on the 10th day of February, 1908, he recovered a judgment against the defendant in said circuit court in the above entitled action for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That the amount due plaintiff on said judgment, exclusive of interest and costs, is five hundred dollars (\$500).

3. That Henry Jones, the garnishee herein, did, on the 25th day of February, 1908, as such garnishee, file his answers to the interrogatories herein.

4. That plaintiff is of the opinion that said garnishee, Henry Jones, has not truly discovered the lands, tenements, goods, chattels, money, choses in action, credits and effects of the defendant in this action.

Wherefore plaintiff prays for a citation to said garnishee, Henry Jones, requiring his appearance for examination at ten o'clock A. M. on Tuesday, the first day of June, 1908.

JOHN DOE,

By THOMAS JONES,

Plaintiff's Attorney.

42 John Doe on his oath says that he is the plaintiff in the above petition, that
 43 he has read the same and knows the contents thereof and that the matters and
 44 things therein alleged are true in substance and in fact.

45 JOHN DOE.

46 Subscribed and sworn to before me this 25th day of May, 1908.

47 JOHN SMITH, *Clerk.*

48 2. CITATION TO GARNISHEE.

49 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

50 John Doe }
 v. } Attachment. No. 25.
 51 Richard Roe. }

52 CITATION TO GARNISHEE.

53 The People of the State of Illinois—GREETING to Henry Jones:

54 We hereby command you to personally be and appear before the circuit
 55 court of Cook county, Illinois, at the county court-house, in Chicago, in said
 56 county, at ten o'clock a. m., on Tuesday, the first day of June, 1908, to be ex-
 57 amined under oath as garnishee in an action of attachment wherein John Doe
 58 is plaintiff and Richard Roe is defendant, concerning the lands, tenements,
 59 goods, chattels, moneys, choses in action, credits and effects of said Richard
 60 Roe, which may be in your possession, custody or charge.

61 Witness John Smith, clerk of said circuit court and the seal thereof, at
 62 Chicago, Illinois, this 25th day of May, 1908.

63 JOHN SMITH, *Clerk.*

Sec. 477. ACTION AGAINST GARNISHEE.] The plaintiff in the action of attach-
 2 ment shall also have the right, in lieu of procuring a citation as provided in
 3 this section, in case he shall be of opinion that the garnishee is indebted to the
 4 defendant in the attachment in a sum exceeding the amount exempt by law from
 5 garnishment, to cause an action to be instituted in the name of the defendant
 6 in the action of attachment, as plaintiff, for the use of the plaintiff in the at-
 7 tachment action against such garnishee, as defendant, for the recovery of such
 8 indebtedness. But no such citation shall be issued against the garnishee until
 9 the plaintiff in the action of attachment shall first have obtained judgment
 10 against the defendant in such action of attachment.

Sec. 478. JUDGMENT ON ANSWER OF GARNISHEE—FORM.] When it shall ap-

pear from the answer of any garnishee that he is indebted to the defendant in the action of attachment the plaintiff in the action of attachment may cause judgment to be entered in the name of the defendant in the attachment for the use of the plaintiff in the attachment and against such garnishee for the amount of the indebtedness so disclosed, but no such judgment shall be entered until the plaintiff in the action of attachment shall first have obtained judgment in such action against the defendant. Such judgment may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Attachment. No. 27.
v.	
Richard Roe.	

June 2, 1908.
Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons and the appearance of the defendant, and of the person of the garnishee, Henry Jones, by service of garnishee summons and the appearance of said garnishee, it is considered by the court in accordance with the answer of said garnishee, that the defendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover of the garnishee, Henry Jones, the sum of two hundred dollars (\$200), less the costs of the said garnishee, Henry Jones, to be taxed herein by the clerk, the amount so recovered, when paid, to be applied upon the judgment herein in favor of the plaintiff and against the defendant, so far as may be necessary for the payment of the said judgment and the balance, if any, to be paid to the defendant. Richard Roe.

NOTE.

In case the judgment of an intervener is to be paid out of the amount paid by the garnishee, the foregoing form may be changed so that after the words "to be applied" it will read as follows: "first, upon the judgment herein in favor of the plaintiff and against the defendant; second, upon the judgment in favor of the intervener, George Thomas, and third, the balance, if any, to the defendant."

In case the amount paid by the garnishee is to be divided pro rata among a number of judgment creditors or other claimants, said form may be varied from accordingly.

Sec. 479. DEFAULT AGAINST GARNISHEE—JUDGMENT—FORM.] When any garnishee, having been duly served with a garnishee summons and a copy of the interrogatories, fails to file his appearance together with an answer to such interrogatories on or before the day specified therefor in this act the plaintiff, in lieu of applying to the court for a citation as hereinbefore provided to such garnishee, shall be entitled, at his election, to the entry of a default against such garnishee. Upon such default being entered the court shall hear the evidence offered by the plaintiff and enter judgment against the garnishee for such amount, if any, as may appear from the evidence to be due from such garnishee to the defendant in the attachment, but no such judgment shall be entered until the plaintiff in the action of attachment shall first have obtained judgment in such action against the defendant. The moneys collected upon any such judgment shall be applied, first, to the payment of the costs and expenses of the action, including attorney's fees; second, to the payment of the judgment in favor of the plaintiff; third, to the payment of the judgments of intervening creditors, if any; and fourth, the balance to the defendant: *Provided, however*, that when, in accordance with the provisions of this act, there are several judgment creditors entitled to participate pro rata in the moneys so collected the same, after the payment of the costs and expenses of the action, including attorney's fees, shall be divided accordingly. Such judgment may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23	John Doe	} Attachment. No. 27.
	v.	
24	Richard Roe.	
		June 21, 1908.
		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons and the appearance of the defendant and of the person of the garnishee, Henry Jones, by service of the garnishee summons, and the said garnishee, Henry Jones, having been defaulted and the damages having been duly assessed by the court, it is considered by the court in accordance with such default and assessment of damages

that the defendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover of said Henry Jones, garnishee, the sum of five hundred dollars (\$500), the amount so recovered, when paid, to be applied, first, to the payment of the costs and expenses of the proceedings against the said garnishee, including attorney's fees, which costs and expenses, including attorney's fees, are taxed at twenty-five dollars (\$25); second, to the payment of the judgment in favor of the plaintiff and against the defendant herein; third, to the payment of the judgment of the intervener, George Thomas, and fourth, the balance to the defendant.

NOTE.

When there is no judgment in favor of an intervener or when there is required to be a pro rata distribution of the moneys collected among several judgment creditors, said form may be varied from accordingly.

Sec. 480. APPEARANCE OF OR NOTICE TO THIRD PERSON—FORM.] If it shall appear to the court that any goods, chattels, choses in action, credits or effects in the hands of a garnishee in any action of attachment are claimed by any other person by force of an assignment from the defendant or otherwise, the court, if such person voluntarily appears, shall permit him to intervene in the action and maintain his right to such goods, chattels, choses in action, credits or effects. If such person does not voluntarily appear, either party may cause notice to be served upon such person to appear and intervene in the action and assert his claim. Such notice shall specify the court in which the action is pending, the title, classification and number of the action and shall notify such person to appear on some Monday not less than five nor more than twenty days after the date of the notice and shall set forth a description of the property in the hands of the garnishee. It shall be served upon such person in the manner in this act provided for the service of a summons at least five days prior to the day fixed therein for the appearance of such person. Such notice may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Attachment. No. 25.

NOTICE TO APPEAR AND ASSERT CLAIM.

To George Thomas:

You are hereby notified to appear in person or by attorney before the circuit court of Cook county, Illinois, at the county court house in Chicago in said county, on Monday, the 25th day of March, 1908, and assert whatever claim you may have to certain property in the hands of Henry Jones, garnishee in the above entitled action, to-wit: a promisory note for the sum of five hundred dollars (\$500), dated December 1, 1906, made by William Smith and payable to the order of the defendant, Richard Roe, one year after date with interest at six per cent. per annum and by said defendant, Richard Roe, endorsed.

JOHN DOE,

By WILLIAM SMITH,

Plaintiff's Attorney.

Sec. 481. DEFAULT OF PERSON NOTIFIED—APPEARANCE—FORM.] If the person

so notified fails to appear after having been served with the notice provided for in the preceding section a default may be entered against him and he shall thereby be concluded by the judgment in regard to his claim. If the person so notified appears he shall file his appearance in writing, together with a statement of his claim, and such claim shall be determined with the other issues in the action in such manner as the court may direct. If such notice is served five days or more prior to the day fixed therein for the appearance of such person, he shall be bound to enter his appearance on or before the Thursday succeeding such day, but if such notice is served less than five days prior to the day fixed for his appearance he shall not be bound to enter his appearance until on or before the first Monday succeeding the day so fixed. The appearance and statement of claim in this section provided for may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

14
 15 John Doe
 v.
 16 Richard Roe. } Attachment. No. 25.

APPEARANCE OF INTERVENER.

17
 18 George Thomas hereby enters his appearance as intervener herein.

19 GEORGE THOMAS,

20 By JAMES BROWN,

21 *His Attorney.*

22 927 Manadnock Bldg., Chicago.

STATEMENT OF INTERVENER'S CLAIM.

23 George Thomas, of Cook county, Illinois, claims he is the owner of and is
 24 entitled to recover possession of the following property in the hands of Henry
 25 Jones, garnishee in the above entitled action, to-wit: a promissory note for the
 26 sum of five hundred dollars (\$500) dated December 1, 1906, made by William
 27 Smith, and payable to the order of the defnedant, Richard Roe, one year after
 28 date with interest at six per cent per annum and by the defendant, Richard Roe,
 29 indorsed.

30 GEORGE THOMAS,

31 By JAMES BROWN,

32 *His Attorney.*

33 George Thomas on his oath says that the foregoing claim is asserted by him
 34 in good faith and that he believes the same is well founded.

35 GEORGE THOMAS.

36 Subscribed and sworn to before me this 25th day of March, 1908.

37 JOHN SMITH, *Clerk.*

38 Sec. 482. WHAT GARNISHEE MAY RETAIN.] Every garnishee shall be allowed

39 to retain or deduct out of the property, effects or credits in his hands all de-
 demands against the plaintiff and all demands against the defendant of which he
 could have availed himself if he had not been summoned as garnishee, whether
 the same are at the time due or not, and whether by way of set-off on a trial or
 by the set-off of judgments or executions between himself and the plaintiff and
 defendant severally, and he shall be liable for the balance only after all mutual
 demands between himself and the plaintiff and the defendant are adjusted not in-

9 cluding unliquidated damages for wrongs and injuries: *Provided*, that the ver-
 10 dict or finding as well as the record of the judgment shall show in all cases
 11 against which party any set-off shall be allowed, if any such shall be allowed,
 12 and the amount thereof.

Sec. 83. WHEN GARNISHEE NOT LIABLE ON NEGOTIABLE INSTRUMENT.] No per-
 2 son shall be liable as a garnishee by reason of having drawn, accepted, made or
 3 endorsed any negotiable instrument, when the same is not due, in the hands of
 4 the defendant at the time of service of the garnishee summons or the rendition
 5 of the judgment.

Sec. 484. TO WHAT EXTENT JUDGMENT WILL ACQUIT GARNISHEE.] The judg-
 2 ment against a garnishee shall acquit him from all demands by the defendant
 3 for all goods, effects and credits paid, delivered or accounted for by the gar-
 4 nishee by force of such judgment.

Sec. 485. DISCHARGE OF GARNISHEE NO BAR.] If any person summoned as
 2 garnishee is discharged the judgment shall be no bar to an action brought
 3 against him by the defendant for the same demand.

Sec. 486. PROCEEDING AGAINST EXECUTOR, ETC., OF GARNISHEE.] In case of the
 2 death of a person served as garnishee his executor or administrator may be
 3 made a party and notified, unless his appearance is entered as in the case of the
 4 death of a defendant, and the action may proceed against him as personal repre-
 5 sentative of the deceased.

Sec. 487. NO EXECUTION AGAINST GARNISHEE UNTIL DEBT DUE.] When the judg-
 2 ment is rendered against any garnishee and it shall appear that the debt due him
 3 from the defendant is not yet due, execution shall not issue against him until
 4 twenty days after the same shall become due, unless the party asking the same
 5 or his agent shall make oath that he believes the debt will be lost unless execution

6 issue forthwith, in which case execution shall issue as soon as said debt to de-
 7 fendant is due; but no sale of property under such execution shall take place
 8 until after the expiration of twenty days after the date of judgment.

Sec. 488. GARNISHEE TO DELIVER GOODS TO SHERIFF—APPLICATION OF PROCEEDS.]

2 When any garnishee has any goods, chattels, choses in action or effects other than
 3 money belonging to the defendant, or which he is bound to deliver to him, he
 4 shall deliver the same or so much thereof as may be necessary to the officer who
 5 shall hold the execution in favor of the plaintiff in the attachment action and the
 6 same shall be sold by the officer and the proceeds applied and accounted for in
 7 the same manner as other goods and chattels taken on execution.

Sec. 489. PROCEDURE AS TO PROPERTY PLEDGED.] When it shall appear that

2 such goods, chattels, choses in action or effects in the hands of a garnishee are
 3 mortgaged or pledged or in any way liable for the payment of a debt to him the
 5 plaintiff may be allowed, under an order of the court for that purpose, to pay or
 6 tender the amount due to the garnishee and he shall thereupon deliver the goods,
 7 chattels, choses in action and effects, in the manner hereinbefore provided, to
 8 the officer who holds the execution.

Sec. 490. PROPERTY HELD AS SECURITY OTHER THAN FOR PAYMENT OF MONEY.]

2 If the goods, chattels, choses in action or effects are held for any purpose other
 3 than to secure the payment of money, and if the contract, condition or other
 4 thing to be performed is such as can be performed by the plaintiff without dam-
 5 age to the other parties, the court may make an order for the performance there-
 6 of by him. Upon such performance or tender the garnishee shall deliver the
 7 goods, chattels, and effects in the manner before provided to the officer who
 8 holds the execution.

Sec. 491. DISPOSITION OF GOODS AND CHATTELS BY OFFICER.] All goods, chat-

2 tels, choses in action and effects received by the officer under either of the two

3 preceding sections shall be sold and disposed of in the same manner as if they
 4 had been taken on an execution in any other matter, except that from the pro-
 5 ceeds of the sale the officer shall repay the plaintiff the amount paid by him to the
 6 garnishee for the redemption of the same with costs thereon, or shall indemnify
 7 the plaintiff for any other act or thing by him done or performed pursuant to
 8 the order of the court for the redemption of the same.

Sec. 492. POWER OF COURT AS TO PROPERTY IN HANDS OF GARNISHEE.] When it
 2 shall appear that any garnishee has in his hands or under his control any goods,
 3 chattels, choses in action or effects belonging to or which he is bound to deliver
 4 to the defendant with or without condition, the court may make any and all proper
 5 orders in regard to the delivery thereof to the proper officer and the sale or
 6 disposition of the same and the discharging of any lien thereon and may author-
 7 ize the garnishee to sell any such property or collect any choses in action and
 8 account for the proceeds thereof; or the court may appoint a receiver to take
 9 possession of and sell, collect or otherwise dispose of the same and make all ord-
 10 ers in regard thereto which may be necessary or equitable between the parties.

Sec. 493. PROCEDURE WHEN GARNISHEE REFUSES TO DELIVER GOODS, ETC.] If
 2 any garnishee refuses or neglects to deliver any goods, chattels, choses in action
 3 or effects in his hands when thereto lawfully required by the court or officer hav-
 4 ing any execution upon which the same may be received, he shall be liable to be
 5 attached and punished as for a contempt, or the court may enter up judgment for
 6 the amount of the plaintiff's judgment and award execution thereon against the
 7 garnishee.

Sec. 494. GARNISHEE MAY RECEIVE GOODS IN PAYMENT WHEN.] Nothing con-
 2 tained in this act shall prevent the garnishee from receiving any goods, chattels,
 3 choses in action or effects in his hands for the payment of any demand for which
 4 they are mortgaged, pledged or otherwise liable at any time before the amount

5 due to him is paid or tendered, if such sale would be authorized as between him
6 and the defendant.

Sec. 495. COSTS—HOW PAID—GARNISHEE'S FEES.] The court may order the
2 costs of the proceeding in any garnishment to be paid by the plaintiff, or out of
3 the effects or credits garnished, or by the garnishee, or may apportion the
4 same as shall appear to be just and equitable. The garnishee shall be entitled
5 to fees the same as a witness before the same courts in a civil action.

Sec. 496. FORMS OF ORDERS AND JUDGMENTS.] The following forms of orders
2 and judgments in garnishee proceedings shall be deemed sufficient and shall be
3 taken as furnishing suggestions from which other orders and judgments in such
4 proceedings may be properly framed:

5 1. JUDGMENT IN FAVOR OF INTERVENER FOR PROPERTY IN HANDS OF GARNISHEE.

6 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

7 John Doe } Attachment. No. 25.
8 v. } March 25, 1908.
9 Richard Roe. } Before Hon. John Jones, Judge.

9 This day the court, having jurisdiction of the subject matter of this action
10 and of the person of the defendant by service of summons and the appearance
11 of the defendant and of the person of the garnishee, Henry Jones, by service
12 of garnishee summons and the appearance of said garnishee, it is considered by
13 the court, in accordance with the finding of the court herein, that the intervener,
14 George Thomas, recover from the said garnishee, Henry Jones, the following
15 promissory note, to-wit: a promissory note for the sum of five hundred dollars
16 (\$500), dated December 1, 1906, made by William Smith and payable to the or-
17 der of the defendant Richard Roe one year after date with interest at six per
18 cent per annum and by said defendant Richard Roe indorsed, and that said
19 garnishee, Henry Jones, deliver said promissory note to said intervener, George
20 Thomas.

21 2. JUDGMENT AGAINST INTERVENER AND FOR PLAINTIFF FOR PROPERTY IN THE
22 HANDS OF GARNISHEE.

23 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

24 John Doe } Attachment. No. 27.
25 v. } March 25, 1908.
26 Richard Roe. } Before Hon. John Jones, Judge.

27 This day the court, having jurisdiction of the subject matter of this action
28 and of the person of the defendant by service of summons and the appearance
29 of the defendant and of the person of the garnishee, Henry Jones, by service
30 of the garnishee summons and the appearance of said garnishee, and of the
31 person of the intervener, George Jones, by his appearance herein, it is consid-
32 ered by the court, in accordance with the finding of the court herein, that said
33 garnishee, Henry Jones, deliver to the sheriff the following promissory note,
34 to-wit: a promissory note for the sum of five hundred dollars (\$500), dated
35 December 1, 1906, made by William Smith and payable to the order of the de-
36 fendant, Richard Roe, one year after date, with interest at six per cent per
37 annum, and by said defendant, Richard Roe, indorsed, the same to be collected
38 by said sheriff and the proceeds thereof, when collected, to be applied, first, to
39 the payment of the costs and expenses of the proceedings against the garnishee
40 and the intervener herein, including attorney's fees, which costs and expenses,
41 including attorney's fees, are taxed at twenty-five dollars (\$25); second, to the
42 payment of the judgment herein in favor of the plaintiff and against the defend-
43 ant, so far as may be necessary for the payment of the said judgment; and
44 third, the balance, if any, to be paid to the defendant, Richard Roe.

45 3. JUDGMENT AGAINST THIRD PERSON NOT APPEARING AND IN FAVOR OF THE
46 PLAINTIFF FOR PROPERTY IN THE HANDS OF THE GARNISHEE.

47 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

48 John Doe } Attachment. No. 27.
49 v. } March 25, 1908.
50 Richard Roe. } Before Hon. John Jones, Judge.

51 This day the court, having jurisdiction of the subject matter of this action
52 and of the person of the defendant by service of summons and the appearance
53 of the defendant and of the person of the garnishee, Henry Jones, by service
54 of the garnishee summons and the appearance of said garnishee and of the
55 person of George Jones by personal service of notice herein, it is considered by
the court, in accordance with the finding of the court herein, that said garnishee,
Henry Jones, deliver to the sheriff the following promissory note, to-wit: a

promissory note for the sum of five hundred dollars (\$500), dated December 1, 1906, made by William Smith and payable to the order of said defendant, Richard Roe, one year after date with interest at six per cent per annum, and by said defendant, Richard Roe, indorsed, the same to be collected by said sheriff and applied upon the judgment herein in favor of the plaintiff and against the defendant, so far as may be necessary for the payment of said judgment, and the balance, if any, to be paid to the defendant, Richard Roe.

4. JUDGMENT ALLOWING SET-OFF TO GARNISHEE AGAINST DEFENDANT FOR DEMANDS NOT DUE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 27.
v.		March 25, 1908.
Richard Roe.		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the person of the defendant by service of summons and the appearance of the defendant, and of the person of the garnishee, Henry Jones, by service of garnishee summons and the appearance of said garnishee, it is considered by the court, in accordance with the answer of said garnishee, that the defendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover of the said garnishee, Henry Jones, the sum of two hundred dollars (\$200), less the costs of the said garnishee, Henry Jones, to be taxed herein by the clerk and less also the sum of fifty dollars (\$50) upon a demand of said Henry Jones against said Richard Roe to be due on the first day of July, 1908, the amount so recovered, when paid, to be applied upon the judgment herein in favor of the plaintiff and against the defendant, so far as may be necessary for the payment of said judgment and the balance, if any, to be paid to the defendant, Richard Roe.

5. JUDGMENT ALLOWING SET-OFF TO GARNISHEE AGAINST DEFENDANT FOR DEMANDS DUE AND AGAINST PLAINTIFF FOR DEMANDS NOT DUE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 27.
v.		March 25, 1908.
Richard Roe.		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the person of the defendant by service of summons and the appearance of the defendant and of the person of the garnishee, Henry Jones, by service of garnishee summons and the appearance of said garnishee, it is considered by

the court, in accordance with the finding of the court herein, that the defendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover of the said garnishee, Henry Jones, the sum of two hundred dollars (\$200), less the costs of said garnishee, Henry Jones, to be taxed by the clerk, less also the sum of fifty dollars (\$50) due as a set-off to said Henry Jones from said Richard Roe and less also the sum of fifty dollars (\$50) upon a demand of said Henry Jones against the plaintiff, John Doe, to be due on July 1, 1910, the amount so recovered, when paid, together with said sum of fifty dollars (\$50) to be due said Henry Jones from said plaintiff, John Doe, July 1, 1910, to be applied upon the judgment herein in favor of the plaintiff and against the defendant so far as may be necessary for the payment of the said judgment and the balance, if any, to be paid to the defendant, Richard Roe.

6. JUDGMENT AGAINST GARNISHEE FOR DEBT NOT DUE AND STAY OF EXECUTION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 27.
v.		March 25, 1908.
Richard Roe.		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the person of the defendant by service of summons and of his appearance herein, and of the person of the garnishee, Henry Jones, by service of garnishee summons, and his appearance herein, it is considered by the court, in accordance with the finding of the court herein, that the defendant, Richard Roe, for the use of the plaintiff, John Doe, have and recover of said Henry Jones, garnishee, the sum of five hundred dollars (\$500) to be due July 1, 1908, the amount so recovered, when paid, to be applied, first, to the payment of the costs and expenses of the proceedings against the garnishee, including attorney's fees, which costs and expenses, including attorney's fees, are taxed at twenty-five dollars (\$25); second, to the payment of the judgment in favor of the plaintiff and against the defendant herein; third, to the payment of the judgment of the intervener, George Thomas, and fourth, the balance, if any, to the defendant, and that execution on said judgment against said garnishee be stayed until July 21, 1908.

7. ORDER DIRECTING GARNISHEE TO DELIVER PROPERTY TO SHERIFF TO BE SOLD.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 27.
v.		March 25, 1908.
Richard Roe.		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the person of the defendant by service of summons and his appearance

127 herein and of the person of the garnishee, Henry Jones, by service of garnishee
 128 summons and his appearance herein, it is considered by the court, in accordance
 129 with the finding of the court herein, that said garnishee, Henry Jones, deliver to
 130 the sheriff of Cook county the following described property, to-wit: one black
 131 and white cow and one bay horse with a white star in the forehead, the said
 132 property to be sold by the sheriff and the proceeds thereof to be applied, first,
 133 to the payment of the costs and expenses of the proceedings against the gar-
 134 nishee, including attorney's fees, which costs and expenses, including attorney's
 135 fees, are taxed at twenty-five dollars (\$25); second, to the payment of the judg-
 136 ment in favor of the plaintiff and against the defendant herein; third, to the
 137 payment of the judgment of the intervener, George Thomas, and fourth, the bal-
 138 ance to the defendant.

139 8. ORDER ALLOWING PLAINTIFF TO TENDER TO GARNISHEE AMOUNT DUE GARNISHEE
 140 AND FOR DELIVERY OF PROPERTY BY GARNISHEE TO SHERIFF.

141 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

142 John Doe	} Attachment. No. 25.
143 v.	
143 Richard Roe.	

March 25, 1908.
 Before Hon. John Jones, Judge.

144 This day the court, having jurisdiction of the subject matter of this action
 145 and of the person of the defendant by service of summons and his appearance
 146 herein and of the person of the garnishee, Henry Jones, by service of gar-
 147 nishee summons and his appearance herein, it is considered by the court, in ac-
 148 cordance with the finding of the court, that upon the payment or tender by the
 149 plaintiff to said garnishee, Henry Jones, of the sum of twenty-five dollars (\$25)
 150 said Henry Jones, garnishee, deliver to the sheriff of Cook county the following
 151 described property, to-wit: one black and white cow and one bay horse with a
 152 white star in the forehead, the same to be sold by said sheriff and the proceeds
 153 thereof applied, first, to the payment to the plaintiff of the twenty-five dollars
 153 (\$25) aforesaid; second, to the payment of the costs and expenses of the pro-
 155 ceedings against the garnishee, including attorney's fees, which costs and ex-
 156 penses, including attorney's fees, are taxed at twenty-five dollars (\$25); third,
 157 to the payment of the judgment in favor of the plaintiff and against the defend-
 158 ant herein; fourth, to the payment of the judgment of the intervener, George
 159 Thomas, and fifth, the balance, if any, to the defendant.

DIVISION XXIX.

PROVISIONS ESPECIALLY APPLICABLE TO THE TRIAL AND DISPOSITION OF ACTIONS AT LAW.

SECTION.

- 497. Procedure when only part of defendants served—form of summons.
- 498. Attachment in aid against party not previously served.
- 499. Judgment against part of joint debtors no bar to action against others.
- 500. Judgment in action to revive judgment.
- 501. Procedure in actions of attachment.
- 502. Procedure in actions of attachment of water craft.
- 503. Procedure in actions of replevin.
- 504. Procedure in trials of right of property.
- 505. Procedure in actions of forcible detainer.
- 506. Procedure in actions of distress for rent.
- 507. Affidavit of claim and affidavit of merits.
- 508. When plaintiff may take judgment as to part and prosecute as to residue.
- 509. Affidavits of claim and merits to present all issues.
- 510. Matters not necessary to be proven unless proof expressly demanded.
- 511. Demand not allowed unless, etc.
- 512. Determination of point of law at or before trial.
- 513. When judgment of court may be taken as to effect of undisputed facts.
- 514. Evidence to be limited to disputed facts.
- 515. Immediate trial for defendant about to depart state or non-resident.
- 516. Setting case for trial for non-resident of county.
- 517. Equitable relief in actions at law.
- 518. Adjustment of rights and liabilities of judgment defendants.
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- 520. Consolidation of actions.
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SECTION.

- 524. Jury trial to be demanded when.
- 525. Jury trial mandatory in capital and penitentiary cases.
- 526. Waiver of jury in misdemeanor and quasi criminal actions.
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- 530. Jurors to be judges of facts, or law and facts, when—oath.
- 531. Jurors may take notes of evidence when—inspection of premises, etc.
- 532. Order of argument to jury.
- 533. Expression of opinion by attorney in criminal action prohibited—penalty.
- 534. Denunciation and abuse of parties and witnesses prohibited—penalty.
- 535. Charging the jury—oral charge—requests to charge—objections to be pointed out—additional charge—written instructions.
- 536. Procedure on motion to direct verdict.
- 537. Court may order non-suit when.
- 538. Verdict—reducing to form.
- 539. General and special verdict.
- 540. Separation of jurors before retirement discretionary—treatment of jurors when kept together.
- 541. Oath to officer attending jury unnecessary.
- 542. Jurors to be supplied with food, etc.—sleep and rest.
- 543. Sealed verdicts.
- 544. Court may allow jurors use of transcript of evidence.
- 545. What papers jury may take.
- 546. Motion for new trial—notice and copies of affidavits to be served—oral examination of witnesses—entry of judgment delayed.

SECTION.

547. Propositions of law or motion for new trial unnecessary in action tried by court.

548. Motion in arrest not allowed.

549. When non-suit to be claimed.

SECTION.

550. Action not to be dismissed for mistake in form.

551. Order of precedence in disposition of actions at law.

552. Procedure not otherwise provided for.

Sec. 497. PROCEDURE WHEN PART ONLY OF DEFENDANTS SERVED—FORM OF SUM-

MONS.] If a summons or writ be served on one or more but not on all of the defendants, the plaintiff may proceed to trial and judgment against the defendant or defendants upon whom process has been served and may at any time afterwards, by an oral or written order therefor to the clerk of the court, have a summons to the defendant not served with the first process requiring him to appear in said court and show cause why he should not be made a party to such judgment; and upon such defendant being duly served with such process the court shall hear and determine the matter in the same manner as if such defendant had been originally summoned or brought into court and such defendant shall be allowed the benefit of any payment or satisfaction which may have been made on the judgment before recovered, and the judgment of the court against such defendant shall be that the plaintiff recover against such defendant, together with the defendant in the former judgment, the amount of his claim. If, in any such case, the claim as established against such defendant subsequently summoned shall be less than the amount of the judgment previously rendered, such judgment shall be reduced accordingly as against all the defendants to the amount thus established; but if the claim as established against such defendant subsequently summoned shall be greater than the amount due upon the judgment previously rendered, the plaintiff shall nevertheless recover from such defendant no more than the amount due upon such judgment previously rendered. Service of such subsequent summons shall be made by delivering a copy thereof, together with a copy of the plaintiff's original praecipe and statement of claim, copy of the distress warrant and inventory, affidavit of claim or other papers filed by the

29 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

32 SUMMONS.

34 We hereby command you to appear in person or by attorney before the cir-
35 cuit court of Cook county, Illinois, at the county court house in Chicago in said
36 county, on Monday, the 10th day of March, 1908, to show cause why you should not
37 be made a party to the judgment for the sum of one thousand dollars (\$1,000)
38 and costs of the action recovered against the defendant Richard Roe in said
39 court in the above entitled action on the 17th day of February, 1908.

42 JOHN SMITH, Clerk.

2 any case in which a summons shall be sued out to make any person a party to
3 any judgment that has been or hereafter may be rendered, writs of attachment
4 may be issued in aid thereof against any one of or all the persons named in such
5 summons upon the terms provided in this act; and the parties in such writs of at-
6 tachment may be brought in by notice as in other cases of attachment when per-
7 sonal service cannot be had.

2 OTHERS.] When several joint debtors are sued and any one or more of them shall
3 not be served with process the pendency of such action, or the recovery of a judg-
4 ment against the parties served, shall be no bar to a recovery on the original
5 cause of action against such as are not served in any action which may be

6 brought against them in any other place than in the county where the first action
 7 was brought: *Provided, however,* that the plaintiff shall not be permitted to ob-
 8 tain more than one satisfaction of his claim.

Sec. 500. JUDGMENT IN ACTION TO REVIVE JUDGMENT.] If, in any action to re-
 2 vive a judgment, the defendant is defaulted or appears and makes defense and
 3 judgment be entered in favor of the plaintiff, it shall be that the judgment be re-
 4 vived, in whole or in part, as the case may be, in which case the judgment shall
 5 specify the amount due thereon. If the judgment be in favor of the defendant,
 6 it shall be that he recover from the plaintiff his costs.

Sec. 501. PROCEDURE IN ACTIONS OF ATTACHMENT.] In actions of attach-
 2 ment, in addition to the rules hereinbefore prescribed, the following rules shall
 3 prevail:

4 *First*—INSUFFICIENCIES IN AFFIDAVIT, ETC.—HOW CORRECTED.] No writ of at-
 5 tachment shall be quashed, nor the property taken thereon restored, nor any
 6 garnishee discharged, nor any bond by him given cancelled, nor any rule entered
 7 against the sheriff discharged on account of any insufficiency of the original
 8 affidavit, writ of attachment or attachment bond, if the plaintiff, or some cred-
 9 ible person for him shall cause a legal and sufficient affidavit or attachment bond
 10 to be filed or the writ to be amended, as the case may be, in such time and manner
 11 as the court shall direct; and in that event the action shall proceed as if such pro-
 12 ceedings had originally been sufficient.

13 *Second*—OTHER MATTERS REGULATED BY RULES.] In all other matters with
 14 respect to which no provision is made by this act the court shall proceed in ac-
 15 cordance with such rules, not inconsistent with law, as may be adopted by the
 16 court or by the supreme court, or, in the absence of such rules, in accordance, as
 17 near as may be, with the provisions of law in force at the time of the taking
 18 effect of this act.

Sec. 502. PROCEDURE IN ACTIONS OF ATTACHMENT OF WATER CRAFT.] In actions

2 of attachment of water craft the court, in matters not provided for by this act,
3 shall proceed in accordance with such rules as may be adopted by the court or
4 by the supreme court, or, in the absence of such rules, in accordance, as near as
5 may be, with the provisions of the act entitled "An Act to revise the law in rela-
6 tion to attachments of boats, vessels, and rafts," approved March 25, 1874, and
7 in force July 1, 1874.

Sec. 503. PROCEDURE IN ACTIONS OF REPLEVIN.] In actions of replevin in ad-

2 dition to the rules hereinbefore prescribed, the following rules shall prevail:

3 *First*—WHEN PROPERTY NOT DELIVERED TO PLAINTIFF.] When the property
4 specified in the writ has not been found by the officer or delivered to the plaintiff
5 and no forthcoming bond has been executed by the defendant, and the de-
6 fendant is served with the writ or enters his appearance, the plaintiff may pro-
7 ceed with the trial of the action and if, upon the trial, he shall establish his right
8 to the property replevied, he shall be entitled to judgment against the defendant
9 for the value thereof or of his interest therein and for such damages as he shall
10 have sustained by reason of the wrongful taking and detention of the property.

11 *Second*—WHAT JUDGMENT MAY BE RENDERED AGAINST PLAINTIFF.] If the
12 property has been delivered to the plaintiff and not returned to the defendant and
13 the plaintiff fails to prosecute his action with effect or suffers a non-suit or discon-
14 tinuance, or if the right of property is adjudged against him, judgment shall
15 be given for a return of the property and damages for the use thereof from the
16 time it was taken until the return thereof shall be made, unless the plaintiff shall
17 in the meantime have become entitled to the possession of the property, when
18 judgment may be given against him for costs and such damages as the defendant
19 shall have sustained; or, if the property was held for the payment of any money,
20 the judgment may be in the alternative that the plaintiff pay the amount for
21 which the same is rightfully held with proper damages within a given time or
22 make return of the property.

23 *Third*—JUDGMENT FOR PLAINTIFF.] If judgment be given for the plaintiff
 24 and the property has been delivered to him and not returned to the defendant.
 25 the plaintiff shall recover damages for the detention of the property while the
 26 same was wrongfully detained by the defendant.

27 *Fourth*—ASSESSMENT OF DAMAGES.] In either case provided for in the two
 28 preceding clauses of this section, if the action be tried by a jury, the damages
 29 may be assessed by such jury, but if the plaintiff make default or the judgment
 30 be given for the defendant without a trial, or if the action be tried by the court
 31 without a jury, the damages may be assessed by the court.

32 *Fifth*—ACTION ON REPLEVIN BOND.] If, at any time, the conditions of the
 33 bond required by this act to be given by the plaintiff at the time of the commence-
 34 ment of his action shall be broken, any person having suffered damages by
 35 reason of the breach thereof may, in the name of the People of the State of
 36 Illinois for his own use, sue and maintain an action on such bond for the recov-
 37 ery of all such damages and costs as may have been sustained by him in conse-
 38 quence of the breach of such condition.

39 *Sixth*—PROCEDURE WHEN MERITS NOT DETERMINED.] When the merits of the
 40 action have not been determined upon the trial thereof the defendant in the
 41 action upon the replevin bond may, in his specification of defense or defenses,
 42 set up that fact and his title to the property in dispute in said action of replevin.

43 *Seventh*—PROCEDURE WHEN PROPERTY RETAINED BY OR RETURNED TO DEFEND-
 44 ANT.] When the defendant has retained the property or the same has been re-
 45 turned to him by the giving of a delivery bond as hereinbefore provided, the
 46 court shall render such judgment as may appear to be necessary to secure to
 47 the parties their respective rights as ascertained by the finding of the court,
 48 the verdict of the jury or otherwise.

49 *Eighth*—RECEIVER.] The court may, whenever, in its opinion, the rights of
 50 the parties will be better protected thereby, order the property in controversy
 51 placed in the hands of a custodian or receiver, pending the final determination
 52 of the action.

Sec. 504. PROCEDURE IN TRIALS OF RIGHT OF PROPERTY.] In actions for the

2 trial of the right of property, in addition to the rules elsewhere in this act pre-
3 scribed, the following rules shall prevail:

4 *First*—SERVICE OF SUMMONS—HOW MADE—EFFECT OF JUDGMENT.] When the
5 action is brought to recover property levied upon by virtue of any execution or
6 writ of attachment and the plaintiff or plaintiffs in the execution or writ of at-
7 tachment are not residents of the county in which the action is brought, service
8 of the summons upon such plaintiff or plaintiffs may be made by delivering a
9 copy of the summons, praecipe and statement of claim to the sheriff or other offi-
10 cer by whom the execution or writ of attachment has been levied, whose duty it
11 shall be to transmit the same by registered letter, or otherwise cause the same to
12 be delivered, to the attorney or one of the attorneys of record of such plaintiff or
13 plaintiffs, or, if there be no such attorney of record, such sheriff or other officer
14 shall transmit such copy of the summons, praecipe and statement of claim by
15 registered letter, or otherwise cause the same to be delivered, to one of the plain-
16 tiffs in the execution or writ of attachment, and such sheriff or other officer shall
17 thereupon be relieved from all responsibility for the defense of such action, and
18 the judgment in such case, if the same be in favor of the plaintiff, shall be a com-
19 plete indemnity to such sheriff or other officer for restoring to such plaintiff any
20 property required by the judgment in such action to be restored to the plaintiff,
21 or, if it be in favor of the defendant, it shall be a complete indemnity to the
22 sheriff or other officer from all liability to the plaintiff in the action for selling
23 the property under the execution by virtue of which the same was seized, or un-
24 der the execution issued in the action under the writ of attachment in which
25 such property was seized.

26 *Second*—JUDGMENTS WHICH MAY BE ENTERED WHEN PROPERTY LEVIED UPON UN-
27 DER EXECUTION.] If, upon the trial of the action, when the same is brought to
28 recover property levied upon by virtue of an execution or writ of attachment,

the jury, if the action be tried by jury, or the court, if the trial be by the court without a jury, finds that the property in controversy belongs to the plaintiff, when the plaintiff is any person other than a defendant in the execution or writ of attachment, or that such property is exempt from such execution or attachment, judgment shall be entered in favor of the plaintiff against the defendants that the plaintiff have and recover from the defendants the possession of the property, together with the costs of the action, such costs to be paid by the plaintiffs in the execution or attachment. If the jury or the court, as the case may be, finds that the property does not belong to the plaintiff, or is not exempt from execution or attachment, as the case may be, judgment shall be entered in favor of the defendants and against the plaintiff for the costs of the action and an order shall be entered that the sheriff or other officer proceed in the manner provided by law to subject the property to the payment of the execution already issued, or thereafter to be issued, as the case may be.

Third—JUDGMENT WHEN PROPERTY TAKEN FOR TAX, ETC.] When the action is brought to recover property which has been taken for any tax, assessment or fine levied by virtue of any law of this State, then, in such case, if the jury, or the court, as the case may be, finds that the same was not lawfully subject to be taken for such tax, assessment or fine, judgment shall be entered in favor of the plaintiff and against the defendant that the plaintiff recover possession of the property from the defendant, but no costs shall be recovered by the plaintiff from the defendant unless it shall appear to the satisfaction of the court that the seizure of the property by the defendant was made in bad faith. If it shall appear from the verdict of the jury or the finding of the court that the property taken was subject to be taken for the tax, assessment or fine, judgment shall be entered in favor of the defendant and against the plaintiff for the costs of the action and an order shall be made that the officer proceed to subject the property to the payment of such tax, assessment or fine in the manner provided by law.

57 *Fourth*—JUDGMENT WHEN ACTION BROUGHT TO RECOVER REPLEVIED PROPERTY.]
 58 When the action is brought to recover property held by virtue of a writ of re-
 59 plevin issued in an action then pending brought against a person other than the
 60 plaintiff, then and in such case, if the jury, or the court, as the case may be, finds
 61 that the plaintiff is entitled to recover possession of the property, judgment shall
 62 be entered in his favor that he recover such possession and the costs of the
 63 action from the defendant, but if the jury, or the court, as the case may be, finds
 64 that the plaintiff is not entitled to recover possession of the property, judg-
 65 ment shall be entered in favor of the defendants and against the plaintiff for the
 66 costs of the action.

 Sec. 505. PROCEDURE IN ACTIONS OF FORCIBLE DETAINER.] In actions of forei-
 2 ble detainer, in addition to the rules otherwise prescribed in this act, the follow-
 3 ing rules shall prevail:

4 *First*—JUDGMENTS WHICH MAY BE ENTERED.] If no rent or damages are
 5 claimed by the plaintiff and it shall appear on the trial that the plaintiff is en-
 6 titled to the possession of the whole of the premises claimed, he shall have judg-
 7 ment for the possession thereof and for his costs; but if it shall appear that he
 8 is entitled to the possession of only a part of the premises claimed the judg-
 9 ment shall be in his favor for that part only and for costs and for the residue
 10 judgment shall be in favor of the defendant; or, if the plaintiff is non-suited,
 11 or it appears that the plaintiff is not entitled to possession of any portion of
 12 the premises claimed, judgment shall be in favor of the defendant for the costs.
 13 If the plaintiff also claims rent or damages and he shall be found entitled there-
 14 to he shall have judgment for the amount to which he is so found entitled, but if
 15 he is found not entitled to rent or damages judgment shall be given in favor of
 16 the defendant as to such claim for rent or damages.

17 *Second*—JOINDER OF PARTIES, ETC.] Whenever there shall have been one lease
 18 for the whole of certain premises and the possession thereof at the commence-

ment of the action shall be divided in severalty among persons with, or other than, the lessee, in one or more portions or parcels, separately or severally held or occupied, all or so many of such persons, with the lessee, as the plaintiff may elect, may be joined as defendants in one action and the recovery against them with costs shall be several according as their actual holdings shall respectively be found to be.

Third—DISMISSAL BY PLAINTIFF, ETC.] The plaintiff may at any time dismiss his action as to any one or more of the defendants and the jury or court may find any one or more of the defendants guilty and the others not guilty, and the court shall thereupon render judgment according to such finding.

Fourth—WRIT OF RESTITUTION.] No writ of restitution shall be issued in any case until the expiration of five days after the entry of judgment.

Sec. 506. PROCEDURE IN ACTIONS OF DISTRESS FOR RENT.] In actions of distress for rent, in addition to the rules otherwise prescribed in this act the following rules shall prevail:

First—TRIAL—SET-OFF—FORCE OF JUDGMENT, ETC.] After the commencement of the action it shall proceed, as near as may be, in the same manner as an action of attachment. The defendant may avail himself of any set-off or other defense which would have been proper if the action had been for the rent in any form of action and with like effect. If the plaintiff succeeds in his action judgment shall be given in his favor for the amount which shall appear to be due him. When the defendant has been served with the summons and appears in the action the judgment shall have the same force and effect as in an action in which a summons has been served upon the defendant and execution may be issued thereon not only against the property distrained but also against the other property of the defendant; but the property distrained, if the same has not been replevied or released from seizure, shall be first sold. When publication of notice shall have been made as provided in this act, but the defendant is not served with

17 process and does not appear, judgment by default may be entered and the plain-
18 tiff may recover the amount due him for rent at the time of issuing the dis-
19 tress warrant and a special execution shall issue against the property distrained,
20 but no execution shall issue against any other property of the defendant. If the
21 judgment is in favor of the defendant he shall recover costs and have judgment
22 for the return of the property distrained, unless the same has been replevied or
23 released from such distress. And if a set-off is interposed and it appears that a
24 balance is due from the plaintiff to the defendant judgment shall be rendered
25 for the defendant for the amount thereof.

26 *Second—RELEASE OF PROPERTY.]* When any distress warrant has been levied
27 the person whose property is distrained may release the same by entering into
28 bond in double the amount of rent claimed payable to the landlord with suffi-
29 cient sureties, to be approved by the person making the levy, if the bond is ten-
30 dered before the filing of a copy of the warrant as provided in this act, or, if
31 after, by the court before which the action is pending, conditioned to pay what-
32 ever judgment the landlord may recover in the action with costs of the action.
33 If the bond is taken before the filing of the copy of the distress warrant such bond
34 shall be filed therewith, and if taken after the filing of a copy of the distress war-
35 rant, it shall be filed with the clerk of the court in which the action is pending.

36 *Third—PERISHABLE PROPERTY.]* If any property distrained is of a perishable
37 nature and in danger of immediate waste or decay, and the same is not replevied
38 or bonded, the landlord, or his agent or attorney, may, upon giv-
39 ing notice to the defendant or his attorney, if either can be found in the
40 county, or, if neither can be found, without any notice, apply to the court in
41 which the action is pending, describing the property and showing that the same
42 is so in danger and, if the court is satisfied that the property is of a perishable
43 nature and in danger of immediate waste and decay, and if the defendant or his
44 attorney is not served with notice, or does not appear, that he cannot be found
45 in the county, the court may enter an order directing the person having posses-

46 sion of the property to make a sale thereof upon such time and such notice,
 47 terms and conditions as the court shall think to the best interest of the parties
 48 concerned. Money arising from such sale shall be deposited with the clerk of the
 49 court in which the action is pending there to abide the event of the action.

Sec. 507. AFFIDAVIT OF CLAIM AND AFFIDAVIT OF MERITS.] Whenever in any
 2 action at law on a contract, express or implied, for the payment of money the
 3 plaintiff files with his statement of claim an affidavit showing the nature of his
 4 demand and the amount due him from the defendant after allowing to the de-
 5 fendant all his just credits, deductions and set-offs, if any, the plaintiff shall be
 6 entitled to a judgment as in case of default unless the defendant, or his agent
 7 or attorney, if the defendant is not an executor or administrator defending on
 8 behalf of an estate, or the conservator of an idiot, habitual drunkard, lunatic
 9 or distracted person, or the guardian of a minor, defending in behalf of his ward,
 10 shall file with the specification of his defense or defenses an affidavit stating
 11 that he has a good defense or defenses to such action upon the merits to the
 12 whole, or a portion of the plaintiff's demand and setting forth the facts con-
 13 stituting such defense or defenses, and, if the same be to a portion of the de-
 14 mand, specifying the amount according to the best of his judgment and belief.

Sec. 508. WHEN PLAINTIFF MAY TAKE JUDGMENT AS TO PART AND PROSECUTE
 2 AS TO RESIDUE.] Whenever in any action at law on a contract, express or im-
 3 plied, for the payment of money the defendant shall admit a portion of the
 4 plaintiff's claim, or shall not make affidavit of a good defense to all of the
 5 plaintiff's claim when such affidavit of a good defense is required by the terms
 6 of this act, the plaintiff shall be entitled to have judgment entered in his favor
 7 for the part so admitted or not denied, as the case may be, and to further prose-
 8 cute his action against the defendant for the balance of his claim.

Sec. 509. AFFIDAVITS OF CLAIM AND MERITS TO PRESENT ALL ISSUES.] When-
 2 ever in any action at law the plaintiff shall file an affidavit of claim and the de-

3 defendant an affidavit of defense, as provided in the two preceding sections, such
 4 affidavits shall be deemed to present all the issues between the parties in the
 5 action, and upon the trial of the action the plaintiff shall not be permitted to
 6 assert any claim or the defendant any defense not set forth in their respective
 7 affidavits: *Provided, however,* that nothing in this section contained shall be
 8 construed as prohibiting either party from amending his affidavit by leave of
 9 court.

Sec. 510. MATTERS NOT NECESSARY TO BE PROVEN UNLESS PROOF EXPRESSLY DE-
 2 MANDIED.] It shall be unnecessary for any party to an action at law or in equity
 3 to make proof upon the trial or hearing thereof of either of the following facts,
 4 unless proof thereof shall be expressly demanded by some other party to the
 5 action:

6 *First*—CORPORATE EXISTENCE.] That a party to the action, named therein as
 7 a corporation, is such corporation.

8 *Second*—CO-PARTNERSHIP—JOINT OBLIGATION.] That a party to the action,
 9 named therein as a co-partnership, is such co-partnership, or, if the names of
 10 the members of such co-partnership are specified in the praecipe, statement of
 11 claim, counter-claim or other paper, that the names of such co-partners are as
 12 so specified, or that persons suing as joint payees or obligees are such joint
 13 payees or obligees, or that their names are truly set forth in the plaintiff's
 14 praecipe, the defendant's counter-claim, or the intervener's claim, as the case
 15 may be, or other paper filed by such party.

16 *Third*—GENUINENESS OF WRITING.] That any written instrument or in-
 17 dorsement thereon, which is mentioned or described in any paper filed and is
 18 offered in evidence upon the trial of the action, and the signature or signatures
 19 to such instrument or indorsement are genuine.

20 *Fourth*—REPRESENTATIVE CAPACITY.] That any party to the action who sues
 21 or is sued as an executor, administrator, guardian, conservator, trustee or other

22 legal representative, or as a public officer, is such executor administrator,
 23 guardian, conservator, trustee or other legal representative or public officer.

24 *Fifth*—WIDOW, SURVIVING HUSBAND OR NEXT OF KIN.] That a person named
 25 in any statement of claim, specification of defense or counter-claim, as a widow,
 26 surviving husband, descendant, next of kin or other relative of a deceased person,
 27 is such widow, surviving husband, descendant, next of kin or other relative, or
 28 that the said relatives of such deceased person are other than those specified in
 29 such statement of claim, specification of defense or counter-claim.

30 *Sixth*—OWNERSHIP OR OPERATION PROPERTY, ETC.] That a party from whom
 31 damages are claimed in a statement of claim or counter-claim on account of an
 32 injury to the person or property of the plaintiff, or of the plaintiff's testate
 33 or intestate, or husband, wife, or other relative, was at the time of the alleged in-
 34 jury, if such injury and the approximate time thereof be shown by the evidence,
 35 the owner or in possession or control of or operating the car, engine, machine, ap-
 36 pliance, fixture, railroad, factory, building, premises or other property, by, upon
 37 or by means of which such injury occurred.

38 *Seventh*—POSSESSION OF REAL ESTATE IN ACTION TO RECOVER POSSESSION.] That
 39 a defendant in an action of forcible detainer or ejectment is in possession of the
 40 premises the possession of which is sought to be recovered.

41 *Eighth*—OTHER FACTS.] Any other fact with respect to which the court in
 42 which the action is pending, or the supreme court, may, by rule, provide that
 43 proof shall be unnecessary unless the same be demanded.

Sec. 511. DEMAND NOT ALLOWED UNLESS, ETC.] No demand provided for in
 2 the preceding section shall be allowed by the court unless the party making the
 3 same shall satisfy the court, by his own oath or the oath of some other person
 4 cognizant of the facts or otherwise, that such demand is made in good faith and
 5 that there is a bona fide and substantial dispute between the parties with re-
 6 spect to the fact, proof of which is so demanded.

Sec. 512. DETERMINATION OF POINT OF LAW AT OR BEFORE TRIAL.] Whenever,
 2 in any action at law, any party thereto shall allege that there is a point of law
 3 involved therein the determination of which will dispense with any further trial,
 4 or with the trial of some substantial issue in the action, or will materially
 5 shorten the trial thereof, and shall file a statement, verified by affidavit, of the
 6 facts upon which such point of law arises, and it shall be made to appear to the
 7 satisfaction of the court, by the admissions of the opposite party or otherwise,
 8 that the facts so set forth are not, in any substantial particular, disputed, or
 9 whenever the parties shall consent that any point of law arising in the action
 10 shall be determined by the court prior to the trial thereof, or whenever the court
 11 is satisfied there is any point of law involved in the action the determination of
 12 which prior to the trial will be conducive to a more speedy and satisfactory
 13 determination of the action, the court may, in its discretion, hear and dispose
 14 of such point of law and enter such order with respect thereto as the court may
 15 deem just and right. Whenever the determination of such point of law is such
 16 as to finally dispose of the action, the court may enter the final judgment such
 17 determination may require. Whenever such determination is not such as to
 18 finally dispose of the action the court may enter such determination in the form
 19 of an interlocutory order, which order shall be subject to review by appeal
 20 in such manner as may be consistent with the rules prescribed by this act re-
 21 specting appeals from interlocutory orders.

Sec. 513. WHEN JUDGMENT OF COURT MAY BE TAKEN AS TO EFFECT OF UNDIS-
 2 PUTED FACTS.] Whenever it shall be made to appear to the court by the admis-
 3 sions of the parties or otherwise that there is no substantial dispute between
 4 the parties to an action at law respecting the facts which are necessary to the
 5 final determination of their respective rights and liabilities, in whole or in part,
 6 the court may, without the trial of the issues by the court or by a jury, render
 7 such judgment or judgments in the action as such undisputed facts may require.

Sec. 514. EVIDENCE TO BE LIMITED TO DISPUTED FACTS.] Before the hearing of
 2 any evidence in a civil action the court shall ascertain from an inspection of the
 3 papers in the action, or otherwise, the facts which are not in dispute between
 4 the parties either by being admitted or not being denied in the manner in this act
 5 required, or by being expressly admitted by the parties at the trial, and shall
 6 cause such facts to be stated to the jury, if the case be tried by jury, and shall
 7 not permit the introduction of any evidence to prove the facts so admitted, but
 8 shall confine the evidence to the facts actually in dispute between the parties. For
 9 the purpose of ascertaining such undisputed facts the court may require the re-
 10 spective parties to state the same in writing or otherwise, and whenever it shall
 11 appear to the satisfaction of the court that any party to any such action has
 12 willfully refused to admit any material fact known by such party to be undis-
 13 puted, the court may cause to be taxed as costs against such party and in favor
 14 of the opposite party such sum, not exceeding fifty dollars (\$50), as the court
 15 may deem just and equitable, and may enforce the payment thereof by attach-
 16 ment or otherwise.

Sec. 515. IMMEDIATE TRIAL FOR DEFENDANT ABOUT TO DEPART STATE OR NON-
 2 RESIDENT.] When any defendant against whom any action at law has been brought
 3 shall make it appear to the satisfaction of the court that at the time of the com-
 4 mencement of such action he was about to depart from the state and be absent
 5 therefrom such length of time that he could not conveniently attend the trial of
 6 the action at the time the same would occur in due course, or when any non-resi-
 7 dent of this state, while temporarily within this state, is served with process in
 8 any action brought against him, such defendant may, upon the entry of his appear-
 9 ance, whether such appearance be entered before or on the day on which he is
 10 required to appear, and upon notice to the plaintiff, demand an immediate trial
 11 of such action and such immediate trial shall thereupon be had unless the plain-
 12 tiff shall, by affidavit or otherwise, establish good and sufficient ground for the
 13 postponement of the trial: *Provided, however,* that the defendant shall not be

14 entitled to any such immediate trial in any action at law on a contract in which
 15 he shall have filed a demand in writing of a trial by jury.

Sec. 516. SETTING CASE FOR TRIAL FOR NON-RESIDENT OF COUNTY.] When any
 2 plaintiff or any defendant in any action shall be a non-resident of this state or
 3 shall reside in this state in a county other than that in which such action is
 4 brought and such plaintiff or defendant shall make it appear to the satisfaction
 5 of the court that his presence at the trial of the action will be to his advantage
 6 and that he desires to be present at such trial, the court in which the action is
 7 pending shall, upon the application of such party and upon notice to the other
 8 party or parties to the action, cause such action to be set for trial upon a day
 9 certain to be fixed by the court and such action shall be tried, or the trial there-
 10 of shall be commenced, upon the day so fixed, unless good and sufficient ground
 11 for the postponement of such trial shall be made to appear to the court: *Pro*
 12 *vided, however,* that no party to an action on a contract shall be entitled to an
 13 order setting such action down for trial upon a day certain if he shall have filed
 14 in such action a demand in writing of a trial by jury.

Sec. 517. EQUITABLE RELIEF IN ACTIONS AT LAW.] Whenever in any action
 2 at law it shall appear to the court that equitable relief is necessary to enable
 3 the plaintiff to maintain his action or the defendant to make his defense, or to
 4 enable the plaintiff or the defendant to obtain full and complete relief respecting
 5 the matter or matters in controversy, and that the facts proven entitle the
 6 plaintiff or the defendant, as the case may be, to such equitable relief, the court
 7 shall enter such judgment as may be necessary to award such party such equit-
 8 able relief, and to that end the court, upon the trial of an action at law, shall per-
 9 mit proof of all facts which are pertinent to the ascertainment of the real merits
 10 of the controversy between the parties. If the action be on trial before a jury the
 11 court may either withdraw the case from the consideration of the jury and enter
 12 such judgment as the equities of the case may require, or it may submit the

13 issues as to such equitable relief, together with the other issues in the case, to
 14 the jury, and enter such judgment as the verdict of the jury, when approved
 15 by the court, may require. In all matters in which there is any conflict or var-
 16 iance between the rules of law and the rules of equity with reference to the
 17 same matter, the rules of equity shall prevail. The purpose of this section is to
 18 secure to the parties to every action at law a decision of the same according to
 19 the very right and justice thereof as the same may appear from the evidence and
 20 it shall be liberally construed to accomplish such purpose.

Sec. 518. ADJUSTMENT OF RIGHTS AND LIABILITIES OF JUDGMENT DEFEND-

2 ANTS.] Whenever any judgment for money is rendered against two or more
 3 persons jointly, the court, upon the application of any one or more of such judg-
 4 ment defendants, may, either upon the evidence already heard upon the trial
 5 of the issues, if such trial has been had, or upon such evidence as may be of-
 6 fered by the parties, if the judgment has been entered upon default, or in such
 7 other manner as the court may deem just and right, determine the respective
 8 liabilities to each other of all of such judgment defendants in the following
 9 manner:

10 *First*—PRINCIPAL AND SURETY.] If such judgment defendants sustain to
 11 each other the relation of principal and surety, the court may require the prin-
 12 cipal to pay the judgment or to reimburse the surety for any payment or pay-
 13 ments made by him on account thereof.

14 *Second*—JOINT OBLIGATIONS.] If the action be a contract action, and such
 15 judgment defendants, or two or more of them, are principals, the court may
 16 require each of them so liable as principals to pay his proportion of the judg-
 17 ment, or to contribute his proper proportion towards the reimbursement of any
 18 other judgment defendant who shall have paid more than his proper proportion
 19 of the judgment.

20 *Third*—TORTS OTHER THAN WILFUL INJURY.] If the action be for a tort other
 21 than an injury wilfully inflicted, the court may apportion the payment of the

22 judgment between the judgment defendants in such manner as a court may, under
 23 all the circumstances disclosed by the evidence, deem just and equitable, it being
 24 the intention hereof that the damages arising out of a tort, other than an injury
 25 wilfully inflicted, shall be apportioned among the parties guilty of such tort ac-
 26 cording to the respective degrees of the responsibilities of such parties for the
 27 commission of the same.

Sec. 519. ADJUSTMENT NOT TO AFFECT RIGHTS OF PLAINTIFF.] The adjust-
 2 ment of the rights of judgment defendants as between each other provided for in
 3 the preceding section shall in no manner affect the right of the plaintiff to an
 4 immediate enforcement of his judgment against any or either of the parties
 5 against whom the same has been rendered.

Sec. 520. CONSOLIDATION OF ACTIONS.] Whenever there are pending in the
 2 same court two or more actions at law for the recovery of money or personal
 3 property involving questions of law or fact common to all of said actions, the
 4 court may, on motion of any party to either of said actions, or of its own mo-
 5 tion, order that said actions or any of them be consolidated and tried and dis-
 6 posed of as one action, if, in the opinion of the court, such consolidation will
 7 promote the prompt and proper determination of the actions so consolidated.

Sec. 521. REFERENCES TO MASTERS.] In any action at law there may be a
 2 reference to a master in chancery for the purpose of determining such matters
 3 as are specified in the division of this act especially dealing with proceedings
 4 before masters.

Sec. 522. PROOF OF MATTERS OF DEFENSE OCCURRING AFTER FILING SPECIFICATION
 2 OF DEFENSE.] Whenever in any action at law, other than a criminal action, after
 3 the filing by the defendant of his specification of defense or defenses, any facts
 4 shall arise which the defendant may conceive to constitute a defense to the plain-
 5 tiff's claim, in whole or in part, the defendant may, before the trial, serve upon

6 the plaintiff notice in writing that such facts will be relied upon by the defendant
 7 at the trial as a defense, in whole or in part, to the plaintiff's claim, and there-
 8 upon such facts may be proven by the defendant at the trial and the judgment in
 9 such case shall be such as the facts proven at the trial may require.

Sec. 523. POSTPONEMENTS OF TRIALS.] With respect to applications for post-
 2 ponements of trials or hearings the following rules shall prevail:

3 *First*—ABSENCE OF MATERIAL EVIDENCE.] When the postponement is applied
 4 for on account of the absence of material evidence, the court may require that
 5 the motion be supported by the affidavit of the party so applying, or his author-
 6 ized agent, showing that due diligence has been used to obtain such evidence, or
 7 the want of time to obtain it, and of what particular fact or facts the same con-
 8 sists, and if the evidence consists of the testimony of a witness, his place of resi-
 9 dence, or, if his place of residence is not known, showing that due diligence has
 10 been used to ascertain the same and that, if further time be given, such evidence
 11 can be procured. The court may permit an additional affidavit to be filed to
 12 supply any necessary averment which has been omitted from the original affi-
 13 davit.

14 *Second*—WHEN EVIDENCE IMMATERIAL OR AFFIDAVIT ADMITTED.] Should the
 15 court be satisfied that the evidence specified in the affidavit or affidavits filed in
 16 support of the motion would not be material on the trial or hearing of the action
 17 or if the other party will admit the affidavit in evidence, the trial or hearing of
 18 the action shall not be postponed unless the court shall be of opinion that the giving
 19 in open court of the testimony proposed to be obtained is necessary to a proper
 20 decision of the action upon the merits.

21 *Third*—EFFECT OF ADMISSION OF AFFIDAVIT.] When the affidavit is concern-
 22 ing the evidence of a witness the party admitting such affidavit shall be held to
 23 admit only that if the absent witness were present he would testify as alleged in
 24 the affidavit and such admission shall have no greater force or effect than if such
 25 absent witness were present and testified as alleged in the affidavit, leaving it to

26 the party admitting such affidavit to controvert the statements contained there-
 27 in or to impeach said witness, the same as if such witness were present and ex-
 28 amined in open court.

29 *Fourth*—DEFENDANT IN MILITARY SERVICE.] It shall be a sufficient cause for
 30 postponement of the trial or hearing of any action in time of war or insurrection
 31 that the defendant is in the military service of the United States, or of this
 32 state, if it shall be made to appear to the court, by affidavit, that the presence
 33 of the defendant is in any degree necessary for a full and fair defense of the
 34 action.

35 *Fifth*—PARTY OR ATTORNEY MEMBER OF GENERAL ASSEMBLY.] In any action
 36 pending at any time when the General Assembly is in session, it shall be a suf-
 37 ficient cause for a postponement of the trial or hearing if it shall appear to the
 38 court by affidavit that any party applying for such postponement, or any attor-
 39 ney, solicitor or counsel of such party, is a member of either house of the Gen-
 40 eral Assembly and in actual attendance on the sessions of the same, and that the
 41 attendance of such party, attorney, solicitor or counsel in court is necessary to
 42 a fair and proper trial or hearing of such action: *Provided, however,* that this
 43 clause shall not apply to any case of application for a postponement by reason
 44 of the absence of any attorney or solicitor or counsel who shall not have been
 45 actually employed in such action prior to the commencement of such session of the
 46 General Assembly, nor to the practice in the supreme court or in the appellate
 47 court.

48 *Sixth*—TO WHAT TIME POSTPONEMENT MADE.] When any trial or hearing is
 49 postponed on account of the absence of material evidence, such postponement
 50 shall be until such time as may appear to be reasonably necessary to enable the
 51 party applying for a postponement to procure such evidence.

52 *Seventh*—POSTPONEMENT IN TIME OF WAR.] When a postponement is allowed
 53 in time of war or insurrection because the defendant is in the military service of
 54 the United States or of this state, the postponement shall be until such time as

55 such war or insurrection ceases or until the service of the defendant therein
 56 shall have terminated and such time thereafter as may appear to be reasonably
 57 necessary to enable the defendant to be present at the trial or hearing of the
 58 action.

59 *Eighth*—WHEN PARTY OR ATTORNEY MEMBER OF GENERAL ASSEMBLY.] When
 60 any postponement is had on account of any party, attorney, solicitor or counsel
 61 being a member of either house of the General Assembly and in actual attend-
 62 ance on the sessions thereof, such postponement shall be until ten days or more
 63 after the adjournment of the General Assembly.

64 *Ninth*—WHEN SEVERAL COURTS IN SESSION AT SAME TIME.] When there is
 65 more than one court of record, or more than one branch of the same court of
 66 record, in session at the same time in any county for the trial, hearing and final
 67 determination of actions, the court may allow such postponements of trials on
 68 account of the actual engagement of the attorneys of the respective parties in
 69 trials of other actions as may appear to be necessary to prevent injustice and
 70 facilitate the transaction of the business of the court.

Sec. 524. JURY TRIAL TO BE DEMANDED WHEN.] Every action at law, a crim-
 2 inal action or a quasi criminal action brought for the recovery of a fine or pen-
 3 alty for the violation of a municipal ordinance excepted, shall be tried by the
 4 court without a jury unless the plaintiff at the time he commences his action, or
 5 the defendant at the time he enters his appearance, shall file with the clerk of the
 6 court in which such action is commenced, a demand in writing of a trial by jury,
 7 which demand, however, may be withdrawn by the party filing the same at any
 8 time before trial. If the demand be by the plaintiff it shall be embodied in and
 9 form a part of his praecipe for a summons or writ, or, in an action of manda-
 10 mus, it shall be contained in a note at the foot of the petition, and, if it be by
 11 the defendant or garnishee, it shall be embodied in and form a part of his ap-
 12 pearance in writing.

Sec. 525. JURY TRIAL MANDATORY IN CAPITAL AND PENITENTIARY CASES.] Every
 2 criminal action in which the punishment may be death or confinement in the pen-
 3 itentiary shall, unless the defendant shall enter a plea of guilty, be tried by jury.

Sec. 526. WAIVER OF JURY IN MISDEMEANORS AND QUASI CRIMINAL ACTIONS.]
 2 Every criminal action in which the punishment cannot be death or confinement
 3 in the penitentiary, and every quasi criminal action brought to recover a fine or
 4 penalty for the violation of a municipal ordinance, shall be tried by jury, unless
 5 the defendant shall execute and file with the clerk of the court in which such ac-
 6 tion is commenced a waiver in writing of a trial thereof by jury, in which case
 7 such action shall be tried by the court without a jury.

Sec. 527. JURORS TO BE INTERROGATED BEFORE IMPANELING.] It shall be the
 2 duty of the judge presiding in any court or branch court in which a panel of
 3 jurors is summoned for service to interrogate, or cause to be interrogated, all
 4 jurors so summoned and appearing and to inquire into, or cause to be inquired
 5 into, their qualifications to serve as such jurors, and to reject from service all
 6 jurors who do not appear to possess the qualifications required by law and to
 7 cause to be summoned in their places, in the manner required by law. persons
 8 competent and qualified to serve as jurors. When there are several branches of
 9 the same court being held at the same time for the trial of actions by jury, it
 10 shall not be necessary that there be a full panel of twenty-four petit jurors for
 11 each branch court, but the judges of such branch courts may cause to be impan-
 12 eled for service in all of said branches, as one panel, only such number of jurors
 13 as may appear to be needed for the trial of actions therein to be tried by jury,
 14 and the jurors needed, from time to time, in each branch court may be drawn
 15 from such joint panel. When jurors are to be impaneled as one panel for service
 16 in several branch courts, as aforesaid, the duty of interrogating, or causing to
 17 be interrogated, such jurors and of inquiring into or causing to be inquired into
 18 their qualifications, may be performed by any one of the judges of such branch

19 courts. When the requisite number of jurors have been accepted for service in
 20 such court, branch court or branch courts, the judge or judges shall cause to be
 21 prepared by the clerk printed or typewritten alphabetical lists of the jurors so
 22 accepted for service, on which lists the name of each juror shall be followed by
 23 a specification of his age, place of birth, occupation, place of residence and place
 24 of business or employment, the place of residence and place of business or em-
 25 ployment, if in a city, to be accompanied by a specification of the street and num-
 26 ber or other sufficient designation thereof, and upon the calling of any jury into
 27 the jury box a copy of such list shall be submitted for inspection and use, during
 28 the impaneling of the jury, to each party to the action.

Sec. 528. CHALLENGES OF JURORS.] Every person arraigned for any crime
 2 punishable with death or imprisonment in the penitentiary for life shall be ad-
 3 mitted on his trial to a peremptory challenge of twenty jurors and no more; and
 4 every person arraigned for any offense that may be punished by imprisonment
 5 for a term exceeding eighteen months shall be admitted to a peremptory challenge
 6 of ten jurors and in all other criminal trials the defendant shall be allowed a per-
 7 emptory challenge of six jurors. The attorney prosecuting on behalf of the peo-
 8 ple shall be admitted to a peremptory challenge of the same number of jurors
 9 that the accused is entitled to. In all actions, other than criminal actions, each
 10 party shall be admitted to a peremptory challenge of five jurors and challenges
 11 for cause shall be allowed as heretofore.

Sec. 529. EXAMINATION OF JURORS AT TRIAL—REVIEW ON APPEAL OF ERROR.]
 2 It shall be the duty of the judge presiding at the trial of any action tried by jury
 3 to examine, or cause to be examined, all jurors called into the jury box with re-
 4 spect to their statutory qualifications to serve as petit jurors in such action and to
 5 permit the plaintiff and the defendant to propound to the jurors such pertinent
 6 questions as may be necessary for the purpose of ascertaining whether the jurors
 7 are biased or prejudiced: but upon appeal or writ of error to review any judg-

8 ment in any such action tried by jury no ruling of the court pertaining to or con-
 9 nected with the impaneling of the jury, other than one improperly restricting the
 10 right of a party to examine a juror as to bias or prejudice, or improperly over-
 11 ruling a challenge by a party of a juror for bias or prejudice, shall be subject to
 12 review by the supreme court or appellate court.

Sec. 530. JURORS TO BE JUDGES OF FACTS, OR LAW AND FACTS WHEN—OATH.]

2 In cases other than criminal cases juries shall be judges of the facts only and
 3 shall be sworn or affirmed to well and truly try the matters in issue and a true
 4 verdict render according to the evidence. In criminal cases juries shall be judges
 5 of both the law and the fact and shall be sworn or affirmed to well and truly try
 6 the matters in issue and a true verdict render according to the law and the evi-
 7 dence. Such oath shall be in substantially the following form:

8 You and each of you do solemnly swear (or affirm), that you will well and
 9 truly try the matters in issue in this action and a true verdict render according
 10 to the evidence (or, according to the law and the evidence).

Sec. 531. JURORS MAY TAKE NOTES OF EVIDENCE WHEN—INSPECTION OF PREM-

2 ISES, ETC.] In all trials by jury the court, in its discretion, may permit the jury
 3 to take such notes of the evidence introduced before them as the court, under all
 4 the circumstances of the case, may deem necessary or proper to enable the jury
 5 to return a proper verdict, and the court in any action tried by jury may also,
 6 in its discretion, permit the jury to personally inspect any premises, building, ma-
 7 chinery, or implements concerning which testimony is introduced before the jury,
 8 whenever, in the opinion of the court, such inspection will aid the jury in return-
 9 ing a proper verdict. Whenever, during the course of any trial by jury, the court
 10 shall direct the inspection by the jury of any premises, building, machinery or im-
 11 plements, as aforesaid, the court may order the owner of any such premises, build-
 12 ing, machinery or implements to permit such inspection and may enforce com-
 13 pliance with such order: *Provided, however,* that nothing herein contained shall

14 authorize inspection of any premises or building occupied as a residence without
15 the consent of the person residing therein.

Sec. 532. ORDER OF ARGUMENT TO JURY.] In every action, other than a crim-
2 inal action, the right to open and close the argument to the jury in a case where
3 there is no intervention shall be with the plaintiff, unless the defendant shall
4 have the affirmative of all the issues before the jury, in which case it shall be with
5 the defendant. In a case where there is an intervention the order of argument,
6 when the plaintiff has the right to open and close, shall be, first, the opening ar-
7 gument of the plaintiff; second, the argument of the intervenor; third, the argu-
8 ment of the defendant, and, fourth, the closing argument for the plaintiff, and
9 where the defendant has the opening and close the order of the argument shall
10 be, first, the opening argument of the defendant; second, the argument of the in-
11 tervener; third, the argument of the plaintiff, and, fourth, the closing argument
12 of the defendant. When there are several defendants or groups of defendants, or
13 several intervenors or groups of intervenors, each of which defendants or inter-
14 venors, or groups of defendants or intervenors, are represented by different at-
15 torneys, the order, as between themselves, of their arguments to the jury shall be
16 determined by the presiding judge.

Sec. 533. EXPRESSION OF OPINION BY ATTORNEY IN CRIMINAL ACTION PROHIBIT-
2 ED—PENALTY.] In the argument of any criminal action before a jury neither the
3 state's attorney nor other attorney conducting the prosecution or assisting there-
4 in, nor any attorney representing the defendant, shall be permitted to express his
5 opinion respecting the guilt or innocence of the defendant. A violation of this
6 section shall be deemed a contempt of court and shall be punished by the court
7 imposing upon the offending person, in the presence of the jury, a fine not ex-
8 ceeding one hundred dollars (\$100), and in case of such violation, it shall be the
9 further duty of the court to instruct the jury to wholly disregard any opinion so
10 expressed.

Sec. 534. DENUNCIATION AND ABUSE OF PARTIES AND WITNESSES PROHIBITED—

2 PENALTY.] In the argument of any case, civil, criminal or quasi criminal, to a
 3 jury, no attorney shall be permitted to indulge in the use of denunciation or
 4 abusive epithets towards parties to the action or towards witnesses who may
 5 have testified upon the trial. A violation of this section shall be deemed a con-
 6 tempt of court and shall be punished by the court by imposing upon the offend-
 7 ing person, in the presence of the jury, a fine not exceeding twenty-five dollars
 8 (\$25), and in case of such violation it shall be the further duty of the court to
 9 instruct the jury to wholly disregard such denunciation or abusive epithets.

Sec. 535. CHARGING THE JURY—ORAL CHARGE—REQUESTS TO CHARGE — OBJEC-

2 TIONS TO BE POINTED OUT—ADDITIONAL CHARGE—WRITTEN INSTRUCTIONS.] In trials
 3 by jury the court may charge the jury both as to the law and the facts (a)
 4 in all actions at law for the recovery of money only, excepting actions for breach
 5 of promise of marriage and tort actions, (b) in all actions at law for the recov-
 6 ery of real or personal property, and (c) in all actions of mandamus, actions
 7 of quo warranto and eminent domain actions; and in all other cases the court
 8 shall charge the jury as to the law only, and with respect to such charge the
 9 following rules shall prevail:

10 *First*—ORAL OR WRITTEN CHARGE.] The charge may, in the discretion of the
 11 court, be given orally or in writing.

12 *Second*—ORAL CHARGE TO BE TAKEN DOWN STENOGRAPHICALLY, ETC., WHEN.]

13 When the charge is given orally it shall, at the request of either party, be taken
 14 down in shorthand and a transcript thereof shall be made and shall be signed by
 15 the judge and filed in the cause in which such charge is given.

16 *Third*—REQUESTS TO CHARGE.] In case the judge charges the jury orally
 17 either party shall have the right, at any time before the commencement of the
 18 closing argument to the jury, to present in writing to the judge requests to charge
 19 containing such propositions as such party may claim to be propositions of law

applicable to the case and may wish to have embodied in the judge's charge to the jury, and it shall be the duty of the judge to examine the requests so presented and to embody in his charge every proposition therein which the judge may hold to be a correct proposition of law applicable to the case. When either party presents to the judge any such request or requests in writing, he shall at the same time deliver to the opposite party a copy thereof.

Fourth—REQUESTS TO BE SEPARATE, ETC.] Every such request to charge shall be separate and distinct and shall be confined to the statement of a single proposition of law claimed to be applicable to the case.

Fifth—REQUESTS TO BE MARKED AND FILED.] Every such request to charge shall be marked by the judge by indorsing his initials thereon and after the conclusion of the giving of the charge such requests shall be filed by the clerk among the papers in the case.

Sixth—SUFFICIENT IF CHARGE REQUESTED IS GIVEN IN EQUIVALENT WORDS.] It shall not be necessary for the judge in an oral charge to the jury to give any proposition of law requested by a party to be embodied in the charge, and which the judge approves, in the exact language in which it is stated by such party in such request, but it shall be sufficient if such proposition is stated by the judge to the jury in language substantially equivalent to the language used by such party in such request, or language correctly informing the jury with respect to such proposition of law and making the same applicable to the decision of the case.

Seventh—OBJECTIONS TO BE POINTED OUT SPECIFICALLY.] Upon the conclusion of an oral charge, and before the jury retire, each party shall point out to the court specifically every objection which such party may wish to make to the charge, and the court may thereupon further charge the jury for the purpose of correcting any error in the charge as given, or of adding thereto any further instructions as to the law of the case which the court may deem proper to be submitted to the jury, which subsequent or additional charge may be objected to by either party in the same manner as the previous charge: *Provided however,*

49 that it shall not be necessary for either party to point out to the court any failure
 50 to embody in the charge any proposition contained in any request to charge pre-
 51 sented in writing to the judge as hereinbefore provided: *And, provided, further,*
 52 that in a criminal action the failure of the defendant or his attorney to point out
 53 an objection to the charge shall not preclude him from obtaining relief, upon a
 54 motion for a new trial in the court of original jurisdiction or upon a writ of
 55 error in the supreme court, from any substantial error in the charge by which
 56 injustice has resulted to the defendant or by which the defendant has been de-
 57 prived of his right to a fair and impartial trial.

58 *Eighth—CORRECTION TO BE POINTED OUT WHEN.]* Whenever any objection is
 59 made to an oral charge, or to any portion thereof, the court may require the
 60 party so objecting to specifically point out the correction sought to be made.

61 *Ninth—TIME FOR STATING OBJECTIONS.]* Upon the conclusion of an oral
 62 charge the court shall allow the respective parties such reasonable time, not less
 63 than twenty minutes each, as they may require to enable them to properly present
 64 and state their objections thereto, and the court shall hear first the objections
 65 on behalf of the plaintiff and thereafter those on behalf of the defendant. At
 66 the request of either party the court shall hear the objections to the charge
 67 out of the presence of the jury.

68 *Tenth—FURTHER INSTRUCTIONS ASKED BY JURY.]* If, after an oral charge is
 69 given and the jury have retired, they return into court for further instructions,
 70 the court may give such additional charge as the court may deem necessary, but
 71 the charge shall be given only in the presence of the parties or of their attorneys,
 72 and whenever such additional charge is given it shall be taken down in short-
 73 hand, transcribed, signed and filed, and it may be objected to in the manner here-
 74 inbefore provided for with respect to the original charge.

75 *Eleventh—CHARGE TO BE ORAL UNLESS, ETC.]* The charge to the jury shall, in
 76 all cases, be oral unless the judge, at or before the calling of the action for trial,
 77 shall have announced that the instructions to the jury shall be given in writing.

78 *Twelfth*—PROPOSITIONS WHEN CHARGE IS IN WRITING.] When the judge elects
 79 to charge the jury in writing each party shall be at liberty to present to the judge,
 80 for his approval or disapproval, such propositions in writing as such party may
 81 wish to give to the jury as a part of the instructions: *Provided, however, that*
 82 such propositions shall be presented to the judge and a copy thereof given to the
 83 opposite party prior to the commencement of the closing argument to the jury.

84 *Thirteenth*—ENDORSEMENTS ON MARGIN.] When, in case the charge is given
 85 in writing, instructions are asked which the judge cannot give, he shall, on the
 86 margin thereof, write the word "refused," and upon the margin of such as he
 87 approves he shall write the word "given," and he shall in no case, after instruc-
 88 tions in writing are given, qualify, modify or in any manner explain the same to
 89 the jury otherwise than in writing.

90 *Fourteenth*—OBJECTIONS TO WRITTEN INSTRUCTIONS TO BE STATED.] When in-
 91 structions are given in writing each party shall, before the reading thereof by
 92 the court to the jury, be afforded an opportunity to examine the same and shall
 93 state to the court his objections thereto and may be required by the judge to point
 94 out such objections specifically.

Sec. 536. PROCEDURE ON MOTION TO DIRECT VERDICT.] Whenever, in any action
 2 tried by jury, a motion shall be made that the court direct the jury to return a
 3 specified verdict and the court shall be of the opinion that such motion should be
 4 sustained, the court, before allowing the motion and directing the verdict, shall,
 5 upon the motion of either party, particularly specify the grounds of the allow-
 6 ance of such motion and, if the same be allowed on account of any defect in proof,
 7 the court shall specify particularly such defect and shall allow such defect to
 8 be supplied, if the same can be supplied conveniently, and, if the same be not sup-
 9 plied and the verdict be so directed, the judgment of the court shall not be af-
 10 firmed upon appeal or writ of error excepting for the defect so pointed out, un-
 11 less, upon the whole case, the supreme court or the appellate court, as the case

12 may be, shall be of the opinion there could be no proof supplied which would
13 justify any different verdict.

Sec. 537. COURT MAY ORDER NON-SUIT, WHEN.] Whenever, upon the trial of
2 an action tried by jury, the court shall be of the opinion that the evidence intro-
3 duced by the plaintiff is insufficient to support a verdict in his favor, the court
4 may, in its discretion, whenever it thinks justice will be promoted thereby,
5 order that the plaintiff be non-suited instead of directing a verdict in favor of
6 the defendant.

Sec. 538. VERDICT—REDUCING TO FORM—CORRECTING.] It shall be sufficient
2 for the jury to pronounce their verdict by their foreman in open court without
3 reducing the same to writing and the clerk shall enter the same in form under
4 the direction of the court. Whenever the jury return a verdict in writing and
5 the same appears to be defective, either in form or substance, the court may
6 correct the same so that the same shall express the real intention of the jury.

Sec. 539. GENERAL AND SPECIAL VERDICT.] In any action, other than a crim-
2 inal action, the jury may render, in their discretion, either a general or a special
3 verdict; and in any case in which they render a general verdict they may be re-
4 quired by the court, and must be so required at the request of any party to the
5 action, to find specially upon any material question or questions of ultimate fact
6 which shall be stated to them in writing, which question or questions of ultimate
7 fact shall be submitted by the party requesting the same to the adverse party be-
8 fore the commencement of the argument to the jury. When a special finding of
9 ultimate fact is inconsistent with the general verdict the former shall control the
10 latter and the court may render judgment accordingly.

Sec. 540. SEPARATION OF JURORS BEFORE RETIREMENT DISCRETIONARY—TREAT-
2 MENT OF JURORS WHEN KEPT TOGETHER.] Hereafter the separation of jurors in
3 any action, civil, quasi criminal or criminal, during the progress of the trial and

4 before they retire to consider of their verdict, shall be within the discretion of
 5 the judge presiding at the trial. It shall be the duty of the presiding judge, in
 6 all cases in which the jurors are required to be kept together during the pro-
 7 gress of a trial, to see that they are humanely treated and furnished with proper
 8 food and accommodations for sleep, rest and recreation, the expense thereof to
 9 be paid out of the county treasury.

Sec. 541. OATH TO OFFICER ATTENDING JURY UNNECESSARY.] It shall be un-
 2 necessary hereafter to administer any oath to any officer who is to attend any
 3 jury in any action, civil, criminal or quasi criminal, when they retire to consider
 4 of their verdict, but every officer so attending any jury when they retire to con-
 5 sider of their verdict shall be bound by his official oath to keep the jury together
 6 and not suffer others to speak to them, excepting for the purpose of supplying
 7 them with food as hereinafter provided, until they shall have agreed upon their
 8 verdict, excepting as may otherwise be directed by the court.

Sec. 542. JURORS TO BE SUPPLIED WITH FOOD, ETC.—SLEEP AND REST.] During
 2 the retirement of the jury to consider of their verdict they shall, unless the court
 3 shall otherwise so expressly direct, be supplied, at proper times, by the officer
 4 or officers attending them, with food and drink, intoxicating liquors excepted, and
 5 with proper accommodations for sleep and rest during the hours usually devoted
 6 thereto, and during the hours devoted to such sleep and rest the jurors may be
 7 separated from each other to such extent as the officer or officers in charge of
 8 the jury may deem necessary or proper, or as the court may direct, due care be-
 9 ing taken to prevent others speaking to them during their retirement.

Sec. 543. SEALED VERDICTS.] The court may, in its discretion, direct the jury
 2 in any action, civil, criminal or quasi criminal, other than a capital case, in case
 3 they shall agree upon their verdict while the court is not in actual session for
 4 the trial of actions, to write out, sign and seal up their verdict and deliver the

5 same to their foreman to be returned by such foreman into court in such manner
 6 as the court may direct. Upon the signing and sealing up of any such verdict
 7 the jury may separate and appear in court at the time so directed. Any verdict
 8 so signed and sealed up and returned into court shall be as valid and binding
 9 as if the same had been rendered by the jury in open court in the first instance:
 10 *Provided, however,* that, in any criminal action in which the punishment may be
 11 confinement in the penitentiary, no such separation of the jury after the sign-
 12 ing and sealing up of their verdict shall be allowed, if the defendant, at the time
 13 the jury retire, shall expressly object thereto. When the jury are allowed to sep-
 14 arate after the signing and sealing up of their verdict the right of either party
 15 to poll the jury shall not be exercised.

Sec. 544. COURT MAY ALLOW JURORS USE OF TRANSCRIPT OF EVIDENCE.] When-
 2 ever the proceedings in any action tried by jury, whether civil, criminal or quasi
 3 criminal, have been taken down stenographically by a court stenographer and
 4 have been transcribed before the jury shall have agreed upon their verdict, the
 5 court may, in its discretion, at the request of the jury, permit the jury the use
 6 of such transcript.

Sec. 545. WHAT PAPERS JURY MAY TAKE.] Papers, other than depositions
 2 read in evidence, may be taken by the jury when they retire, and depositions
 3 read in evidence may also be so taken when the jury is allowed to use a transcript
 4 of the stenographic notes of the evidence as provided in the preceding section.

Sec. 546. MOTION FOR NEW TRIAL — NOTICE AND COPIES OF AFFIDAVITS TO BE
 2 SERVED—ORAL EXAMINATION OF WITNESSES—ENTRY OF JUDGMENT DELAYED.] Every
 3 motion for a new trial in a case tried by jury shall be in writing and shall be filed
 4 with the clerk and notice of the filing of the same shall be given to the adverse
 5 party together with copies of all affidavits, if any, which are to be read in ev-
 6 idence in support thereof. It shall be unnecessary in any motion for a new trial

7 to specify the grounds therefor. When any affidavit is filed in support of a mo-
 8 tion for a new trial the court, upon the hearing of the motion, may, in its discre-
 9 tion, require the party making the affidavit to attend in person and to testify in
 10 open court. A motion for a new trial may be entered at any time before final
 11 judgment and no final judgment shall, without the consent of the parties, be en-
 12 tered upon the verdict of a jury within five days after the rendition of such ver-
 13 dict, nor, in case of the entry of a motion for a new trial, until the disposition
 14 of such motion.

Sec. 547. PROPOSITIONS OF LAW OR MOTION FOR NEW TRIAL UNNECESSARY IN AC-
 2 TION TRIED BY COURT.] In any action tried by the court without a jury it shall be
 3 unnecessary for either party to present to the court any propositions to be held
 4 as law in the decision of the case, or to move for a new trial.

Sec. 548. MOTION IN ARREST NOT ALLOWED.] No motion in arrest of judgment
 2 shall be hereafter allowed in any civil or quasi criminal action.

Sec. 549. WHEN NON-SUIT TO BE CLAIMED.] Every person desirous of suffer-
 2 ing a non-suit shall be barred therefrom, unless he do so before the jury retire
 3 from the bar, or, if the action is tried by the court without a jury, before the ac-
 4 tion is submitted for final decision.

Sec. 550. ACTION NOT TO BE DISMISSED FOR MISTAKE IN FORM.] No action at
 2 law shall be dismissed because of any mistake in the form in which the same
 3 is brought, nor because the same should have been brought as an action in
 4 equity, unless the same shall have been so brought in bad faith; but the court
 5 shall order all mistakes in form corrected, and, if the action should have been
 6 brought as an action in equity, and the same can not be as conveniently and
 7 satisfactorily disposed of as an action at law, the court shall order the proper
 8 pleadings to be filed and shall proceed to the final disposition of the action as
 9 if the same had been brought in the proper form in the first instance.

Sec. 551. ORDER OF PRECEDENCE IN DISPOSITION OF ACTIONS AT LAW.] In the

2 disposition of actions at law, other than criminal actions, the following order of
3 precedence shall be observed, as nearly as may be found practicable consistently
4 with other provisions of this act:

5 *First*—ACTIONS IN NAME OF PEOPLE BY ATTORNEY GENERAL OR STATE'S ATTOR-
6 NEY.] Actions brought in the name of the People of the State of Illinois or in
7 the name of the State of Illinois, by the Attorney General or state's attorney,
8 shall take precedence over all other actions.

9 *Second*—MANDAMUS, QUO WARRANTO, CERTIORARI.] Actions of mandamus, ac-
10 tions of quo warranto and actions of certiorari shall take precedence over all
11 other actions than those specified in Clause First above.

12 *Third*—FORCIBLE DETAINER.] Actions of forcible detainer shall take preced-
13 ence over all other actions than those specified in Clauses First and Second
14 above.

15 *Fourth*—TRIAL OF RIGHT OF PROPERTY, ATTACHMENT, REPLEVIN, ETC.] Actions
16 for the trial of the right of property, actions of attachment in which personal
17 property has been levied upon under the writs and actions of replevin in which
18 personal property has been replevied under the writs, shall take precedence over
19 all other actions than those specified in Clauses First, Second and Third above.

20 *Fifth*—DAY TO BE SET APART FOR TRIAL OF ACTIONS WITHOUT JURY.] In every
21 court the business of which is sufficient to occupy the time of two or more
22 judges during the entire year, one day in each week shall be set apart for the
23 trial of actions at law to be tried without a jury, and such number of judges,
24 when practicable, shall be assigned to the trial of such actions as may be neces-
25 sary to secure the disposition on such day, of all such actions as may be noted
26 for trial, and upon such day actions in which the amount claimed by the plain-
27 tiff does not exceed five hundred dollars (\$500) shall take precedence over all
28 actions in which the amount claimed by the plaintiff exceeds five hundred dollars
29 (\$500), it being the intention hereof that every such action involving not ex-

ceeding five hundred dollars (\$500) shall be disposed of with the least practicable inconvenience and delay to the parties thereto.

Sec. 552. PROCEDURE NOT OTHERWISE PROVIDED FOR.] In all matters not provided for by this act the procedure in actions at law shall be such as may be prescribed by such rules as may be adopted by the respective courts in the manner authorized by this act, and, where no provision is made by this act or by such rules, then as nearly in accordance with the methods of procedure heretofore prevailing in this state in actions at law as may be consistent with the general spirit and intention of this act.

DIVISION XXX.

MANDAMUS.

SECTION.

- 553. How action of mandamus commenced—pleadings
- 554. Requisites of petition.
- 555. Summons—when appearance required.
- 556. Exceptions to petition.
- 557. Demurrer to petition.
- 558. Answer to petition.
- 559. Exceptions to answer.
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- 561. When cause at issue.
- 562. Trial upon petition and answer.
- 563. Time for excepting, demurring or answering.
- 564. Judgment.
- 565. Writ of mandamus unnecessary.

SECTION.

- 566. Mandamus to be allowed when suitable remedy.
- 567. Plaintiff may be compelled to do equity.
- 568. Equitable relief may be granted to plaintiff.
- 569. Mode of trial.
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- 572. Form of petition.
- 573. Supreme court to entertain jurisdiction in all cases.
- 574. Practice in supreme court.
- 575. Other matters to be regulated by rule.
- 576. Supreme court may change pleadings.

Sec. 553. HOW ACTION OF MANDAMUS COMMENCED—PLEADINGS.] The action of mandamus shall be commenced by the filing by the plaintiff of a petition in the form prescribed in the succeeding section. The pleadings in the

4 action shall be the petition of the plaintiff, the exceptions, demurrer and answer
 5 thereto by the defendant, and the exceptions and demurrer by the plaintiff to
 6 the answer of the defendant.

Sec. 554. REQUISITES OF PETITION.] The petition shall specify the court in

2 which the action is brought, the names of the parties thereto, and the classi-
 3 fication and number of the action, and shall contain an introduction
 4 stating that the plaintiff brings his action of mandamus against the
 5 defendant and thereafter, as concisely as may be, a narrative of the material
 6 facts, matters and circumstances on which the plaintiff relies for relief, such
 7 narrative to be divided into paragraphs numbered consecutively and each para-
 8 graph to contain, as nearly as may be, a separate and distinct matter or allega-
 9 tion. Its language shall be as brief and concise as is consistent with the under-
 10 standing by the court of the case intended to be stated by the plaintiff and to that
 11 end it shall be liberally construed in favor of the plaintiff. It shall be complete
 12 in itself and shall contain no reference to any exhibit, but when any paper, docu-
 13 ment or record of any kind is material to the statement of the plaintiff's case
 14 the substance thereof, or of the portion thereof which is material to the plain-
 15 tiff's case, shall be stated or the entire paper, document or record shall be
 16 embodied in a paragraph of the petition. It shall pray specifically, but, as far
 17 as may be practicable, by the use of abbreviated forms the meaning of which may
 18 be readily understood by the court, for the relief which the plaintiff may con-
 19 ceive himself entitled to and also for general relief and the prayer shall be
 20 divided into paragraphs numbered consecutively each praying separate relief.
 21 It shall be verified by the affidavit of the plaintiff, his agent or attorney, that the
 22 same is true in substance and in fact, excepting such matters as are therein
 23 stated to be alleged upon information and belief, and that, as to such matters so
 24 alleged, the plaintiff, or his agent or attorney, as the case may be, believes it
 25 to be true. It shall contain no prayer for process, but such process shall be

26 issued or such notice shall be given to the defendants as may be required by the
 27 plaintiff by a note at the foot of the petition.

Sec. 555. SUMMONS—WHEN APPEARANCE REQUIRED.] The summons in an
 2 action of mandamus shall require the appearance of the defendant on some
 3 Monday not less than five (5) nor more than thirty (30) days after the date there-
 4 of: *Provided, however,* that the court, by special order as provided in section
 5 one hundred seventy-seven (177) of this act, may provide for an earlier date
 6 for such appearance.

Sec. 556. EXCEPTIONS TO PETITION.] Exceptions may be filed by the de-
 2 fendant to allegations of a petition which are scandalous or impertinent. The
 3 form of such exceptions shall be the same, as near as may be, as that provided
 4 in this act for exceptions to bills of complaint in equity and the proceedings
 5 thereon shall likewise be the same, as near as may be, as in cases of exceptions
 6 to such bills of complaint.

Sec. 557. DEMURRER TO PETITION.] If the defendant conceives the petition
 2 to be insufficient in law he may file a demurrer to the same, either without filing
 3 exceptions thereto or after such exceptions have been filed and the judgment of
 4 the court has been taken thereon. Such demurrer shall be general and the form
 5 thereof, after the specification of the court in which the action is pending and the
 6 title, classification and number of the action, shall be "the defendant demurs
 7 to the petition," or words substantially equivalent thereto.

Sec. 558. ANSWER TO PETITION.] If the defendant does not except or de-
 2 mur to the petition, or if his exceptions or demurrer thereto be overruled, he
 3 shall file an answer thereto. Every answer shall state that the defendant answers
 4 the petition, or so much of the petition as the defendant elects to answer, and
 5 shall answer fully all the allegations of the petition, excepting such as are not
 6 required to be answered by reason of exceptions or demurrer thereto allowed.

7 It shall contain not only the defendant's answer to the several paragraphs of
 8 the petition, but thereafter such statement of his case as he may deem it neces-
 9 sary or advisable to make, and such answer shall also be divided into para-
 10 graphs numbered consecutively, each paragraph containing, as nearly as may be,
 11 a separate and distinct allegation; and such answer shall be full and explicit
 12 and distinct to each separate paragraph of the petition in the same order as
 13 numbered in the petition before it enters upon any statement of the defend-
 14 ant's case. When the answer admits or denies any entire paragraph of the
 15 petition, it shall state the number of the paragraph so admitted or denied with-
 16 out repeating the language of such paragraph or any portion thereof. When
 17 it admits a portion of a paragraph and denies the residue, it shall set forth that
 18 it admits a portion thereof, setting forth the portion admitted, and denies the resi-
 19 due, or that it denies a portion thereof, setting forth the portion denied, and
 20 admits the residue. Every answer shall be verified by the affidavit of the de-
 21 fendant, or, in case there are several defendants, by the affidavit of any one or
 22 more of them cognizant of the facts, in substantially the same form as the affi-
 23 davit required to be made by the plaintiff in verifying his petition.

Sec. 559. EXCEPTIONS TO ANSWER.] Exceptions may be filed by the plain-
 2 tiff to an answer for scandal or impertinence. The form of such exceptions
 3 shall be the same, as near as may be, as that prescribed by this act for exceptions
 4 taken to an answer in equity for the like cause.

Sec. 560. DEMURRER TO ANSWER.] If the plaintiff does not except to the
 2 answer, or if he file exceptions thereto and the judgment of the court has been
 3 taken thereon, he may file a demurrer thereto, such demurrer to be in a form
 4 similar, as nearly as may be, to a demurrer to the petition.

Sec. 561. WHEN CAUSE AT ISSUE.] If the plaintiff does not except or demur
 2 to the answer, or if his exceptions or demurrer thereto be overruled, in whole or

3 in part, and the plaintiff do not amend his petition, the cause shall be deemed at
4 issue and shall stand for trial.

Sec. 562. TRIAL UPON PETITION AND ANSWER.] When the action shall be at
2 issue the same may, upon the application of the plaintiff, be set for trial upon
3 the petition and answer, in which case the answer shall be taken as true. If
4 the action be not set for trial upon petition and answer the court shall proceed
5 to the trial of the issues in the same manner as in other actions at law, excepting
6 as may be hereinafter provided.

Sec. 563. TIME FOR EXCEPTING, DEMURRING OR ANSWERING.] The time within
2 which the defendant shall be required to except, demur to or answer the petition
3 shall be five days after the entry of his appearance, and the time within which
4 the plaintiff may except or demur to an answer shall be five days after the
5 filing of the same, but the court, whenever, in its judgment, such course is neces-
6 sary or proper, may either diminish or enlarge such time.

Sec. 564. JUDGMENT.] The judgment in an action of mandamus, if for the
2 defendant, shall be that the defendant go hence without day and recover of the
3 plaintiff his costs, but if for the plaintiff it shall be that the defendant shall per-
4 form such act as the facts, either admitted by the pleadings, or established by the
5 finding of the court or by the verdict of the jury, shall entitle the plaintiff to
6 have performed by the defendant.

Sec. 565. WRIT OF MANDAMUS UNNECESSARY.] No writ of mandamus shall
2 be necessary to enforce any judgment entered in favor of the plaintiff in an
3 action of mandamus, but the defendant shall be bound to take notice of the
4 judgment and to perform the same within such time as may be fixed by the
5 court for such performance, without further notice, and for failure so to do may
6 be punished as for a civil contempt of court.

Sec. 566. MANDAMUS TO BE ALLOWED WHEN SUITABLE REMEDY.] The action of
 2 mandamus may be maintained in all cases in which it has been allowed hitherto
 3 and in every other case in which it may furnish a suitable remedy to the plain-
 4 tiff with respect to the relief to which he may appear to be entitled, and no
 5 judgment in an action for mandamus, if the same appears to do justice between
 6 the parties thereto, shall be reversed because of any supposed impropriety in the
 7 form of the action.

Sec. 567. PLAINTIFF MAY BE COMPELLED TO DO EQUITY.] The court, as a con-
 2 dition to the granting of relief to the plaintiff, may require of him the perform-
 3 ance of any act to the performance of which the defendant, on his part, in
 4 equity and justice may appear to be entitled.

Sec. 568. EQUITABLE RELIEF MAY BE GRANTED TO PLAINTIFF.] In any action
 2 of mandamus the court may grant to the plaintiff any equitable or other relief
 3 to which the plaintiff may appear, from the pleadings or proofs, to be entitled
 4 as against the defendant and which may be necessary or proper to the attain-
 5 ment of a full and complete measure of justice between the parties respecting the
 6 matters in controversy between them.

Sec. 569. MODE OF TRIAL.] Every action of mandamus shall be tried by the
 2 court without a jury, unless the plaintiff at the time he commences his action,
 3 or the defendant at the time he enters his appearance, shall file with the clerk
 4 of the court in which such action is commenced a demand in writing of a trial
 5 thereof by jury, which demand, however, may be withdrawn by the party filing
 6 the same at any time before trial. If the demand be by the plaintiff it may be
 7 set forth in a note annexed to his petition, and if it be by the defendant it shall
 8 be embodied in and form a part of his appearance in writing.

Sec. 570. REFERENCE TO A MASTER.] When, in any action of mandamus to
 2 be tried without a jury, there shall be an issue of fact, the court may, in its dis-

cretion, refer it to a master in chancery to take the evidence and report the same to the court, and in such case the master's report with the evidence accompanying the same shall constitute a part of the record of the action for the purposes of an appeal or writ of error. The method of procedure before the master in such case shall be the same, as near as may be, as in an action in equity.

Sec. 571. MANDAMUS TO TEST VALIDITY OF LAW OR ORDINANCE.] Any citizen of this State may maintain in the supreme court, or in any other court of competent jurisdiction, an action of mandamus for the determination of the question whether any act passed by the General Assembly of this State and published, or about to be published, as, or purporting to be, a law of this State, or any ordinance adopted by the city council, board of trustees or other competent body of any municipal corporation of this State and published, or about to be published, as, or purporting to be, an ordinance of such municipal corporation, is or is not, in whole or in part, a valid law or ordinance, as the case may be. Such action may be commenced as well before as after the time fixed for the taking effect of such act or ordinance. The mode of procedure in any such action shall be substantially as follows:

First—SECRETARY OF STATE OR CLERK OF MUNICIPAL CORPORATION TO BE DEFENDANT.] When such action concerns the validity of an act of the General Assembly, the same shall be brought against the Secretary of State as the sole defendant, and when the action concerns the validity of an ordinance of a municipal corporation, the same shall be brought against the clerk of such corporation as the sole defendant.

Second—FRAME OF PETITION.] The petition shall specify the court in which the action is brought, the names of the parties thereto and the classification and number of the action, and shall contain an introduction stating that the plaintiff brings his action of mandamus against the defendant and shall thereafter set forth, (a) that the plaintiff is a citizen of this State; (b) the passage

24 or adoption of the act of the General Assembly or of the ordinance of the muni-
 25 cipal corporation, the validity of which, in whole or in part, is questioned, the
 26 same to be either set forth in full or so described that the same may be readily
 27 identified; (c) that the plaintiff believes such act of the General Assembly or or-
 28 dinance to be invalid, either in whole or in part, and, if in part, specifying the
 29 part, either because the same is one which, or some specified part of which
 30 the General Assembly or the municipal corporation had no power to
 31 pass or adopt, or because the same was not passed or adopted in
 32 the manner required by the constitution or by law, in which latter case the
 33 particulars in which the constitution or law was disregarded are to be speci-
 34 fied; and (d) that the plaintiff brings the action in good faith and for no
 35 other purpose than to enable the plaintiff and the other people of this State to
 36 know whether such act of the General Assembly, or ordinance of such municipi-
 37 pal corporation, is or is not valid, in whole or in part. It shall pray that the
 38 defendant be commanded to cancel, in such manner as the court may direct, the
 39 act or ordinance, or so much thereof as may be adjudged invalid, and also for
 40 general relief. It shall be verified by the affidavit of the plaintiff that the same
 41 is true to the best of the plaintiff's knowledge, information and belief. It shall
 42 contain no prayer for process, but such process shall be issued as may be re-
 43 quired by the plaintiff by a note at the foot of the petition, or by an order of court.

44 *Third*—SUMMONS AND OTHER PROCEEDINGS.] The summons shall be issued
 45 and served and the other proceedings, excepting as herein otherwise provided,
 46 shall be had, as near as may be, in accordance with the provisions of this act
 47 pertaining to other actions of mandamus.

48 *Fourth*—APPEAL TO SUPREME COURT WHEN ACT OR ORDINANCE HELD INVALID.]
 49 When such action is brought in any court other than the supreme court and
 50 such act or ordinance is held by such court to be invalid and the defendant is
 51 commanded to cancel the same in whole or in part, the court shall, in its judg-
 52 ment, allow an appeal to the defendant to the supreme court and it shall be the

duty of the defendant to prosecute such appeal and the judgment of the court shall not be enforced until the final determination of such appeal.

Fifth—EFFECT OF JUDGMENT WHEN ACT OR ORDINANCE HELD VALID.] In case the action is brought in a court other than the supreme court and the judgment of the court is in favor of the validity of such act or ordinance, or of so much thereof as is alleged to be invalid, such judgment shall not be given force or effect in any other action unless an appeal be prosecuted therefrom to the supreme court and such judgment be by the supreme court affirmed.

Sixth—NOTICE OF PROCEEDING IN SUPREME COURT—OPPORTUNITY TO BE HEARD.] When any such action is pending in the supreme court, whether the same be brought there originally or whether it be brought there by appeal, the court may, in its discretion, cause suitable notice to be published of the pendency of action and the purpose thereof, and may afford to persons not parties to the action such opportunity to be heard as the court may deem necessary to a full and complete hearing and a just and proper determination thereof.

Seventh—ACTION TO HAVE PRECEDENCE.] Any action so brought shall take precedence over every other action excepting one of the same character in the court in which the same is brought or pending by appeal or otherwise, and shall be determined as speedily as may be consistent with a full hearing and a proper determination thereof.

Eighth—EFFECT OF JUDGMENT OF SUPREME COURT.] A judgment of the supreme court the effect of which is to determine that any such act or ordinance is invalid, in whole or in part, shall be final and conclusive as to all contracts made, acts done or rights or liabilities accruing thereunder subsequent to the entry of such judgment, and such act or ordinance, or so much thereof as is held to be invalid, shall thenceforth be deemed and held to be null, void and of no effect as to such contracts, acts, rights and liabilities, but such judgment shall be without prejudice to any subsequent adjudication by the supreme court respecting any contract made, act done, or right or liability accrued prior to the entry of such judgment.

Sec. 572. FORM OF PETITION.] The following form of petition provided for by the preceding section shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions may be properly framed:

IN THE SUPREME COURT OF ILLINOIS.

John Doe,
v.
James A. Rose, as Secretary of State. } Mandamus. No. 25.

PETITION FOR MANDAMUS.

The plaintiff brings this his action of mandamus against the defendant and says:

1. Plaintiff is a citizen of the State of Illinois.
2. The General Assembly of the State of Illinois, at a session held in the year 1910, passed an act entitled (here insert title of act), which act was approved by the Governor of the State, and, if valid, took effect July 1, 1910, the same being in the words and figures following, to-wit:

(Here insert copy of act.)

3. Plaintiff believes that said act is invalid because the same is one which the General Assembly had no power to pass.

4. Plaintiff brings this action in good faith and for no other purpose than to enable the plaintiff and the other people of this State to know whether said act is or is not a valid law.

Wherefore plaintiff prays as follows:

First—That the defendant may be required to cancel said act in such manner as the court may direct.

Second—For general relief.

JOHN DOE,
By WILLIAM SMITH,
His Attorney.

John Doe on his oath says that the foregoing petition is true to the best of his knowledge, information and belief.

JOHN DOE,
Subscribed and sworn to before me this 10th day of August, 1910.
JOHN SMITH,
Clerk.

NOTE.

The clerk will issue a summons to the defendant requiring the appearance of the defendant on such date as may be ordered by the court.

38 (If the validity of only part of an act is questioned, or if an ordinance is
 39 brought in question, in whole or in part, the above form may be varied from
 40 accordingly.)

Sec. 573. SUPREME COURT TO ENTERTAIN JURISDICTION IN ALL CASES.] Here-
 2 after it shall be the duty of the supreme court to entertain jurisdiction in every
 3 action of mandamus brought in said court, when the petition of the plaintiff
 4 states a case entitling the plaintiff to the relief proper to be given in such
 5 action.

Sec. 574. PRACTICE IN SUPREME COURT.] The practice in the supreme court
 2 in actions of mandamus shall be the same, as near as may be, as is prescribed by
 3 this act for courts of original jurisdiction, excepting that neither party shall be
 4 entitled to a trial by jury as a matter of right. When evidence is to be taken
 5 upon any question of fact, it may be taken before any master in chancery or other
 6 officer designated by the court or agreed upon by the parties.

Sec. 575. OTHER MATTERS TO BE REGULATED BY RULES.] All matters of prac-
 2 tice in the action of mandamus not provided for by this act, whether in courts of
 3 original jurisdiction or in the supreme court, shall be regulated by rules to be
 4 adopted from time to time by the supreme court, or, in default of such rules,
 5 they shall be regulated by the rules heretofore in force in reference to such
 6 matters so far as may be practicable consistently with the general spirit and in-
 7 tention of this act.

Sec. 576. SUPREME COURT MAY CHANGE PLEADINGS.] The supreme court
 2 shall have power, by any rule or rules, to change the method of pleading in
 3 actions of mandamus in such manner and to such extent as the court may deem
 4 proper and expedient.

DIVISION XXXI.

QUO WARRANTO.

SECTION.

577. When quo warranto may be brought.
 578. How action commenced.
 579. Summons—when appearance required.
 580. Pleadings—supreme court may change.

SECTION.

581. Information.
 582. Time for defendant to demur or plead.
 583. Time for plaintiff to plead, etc.
 584. Judgment.
 585. Other proceedings.

Sec. 577. WHEN QUO WARRANTO MAY BE BROUGHT.] The action of quo
 2 warranto may be brought by the Attorney General, or State's attorney of the
 3 proper county, either of his own accord or at the instance of any individual
 4 relator, to obtain an appropriate remedy in case any person shall usurp, in-
 5 trude into or unlawfully hold or execute any office or franchise, or any office
 6 in any corporation created by authority of this State (or any person shall hold
 7 or claim to hold or exercise any privilege, exemption or license, which has been
 8 improperly and without warrant of law issued or granted by any officer, board,
 9 commissioner, court or other person or persons authorized or empowered by
 10 law to grant or issue such privilege, exemption or license), or any public officer
 11 shall have done or suffered any act which, by the provisions of law, works a
 12 forfeiture of his office, or any association or number of persons act within this
 13 State as a corporation without being legally incorporated, or any corporation
 14 does or omits any act which amounts to a surrender or forfeiture of its rights
 15 or privileges as a corporation, or exercises powers not conferred by law, or any
 16 railroad company doing business in this State shall charge an extortionate rate
 17 for transportation of any freight or passenger, or shall make an unjust discrim-
 18 ination in the rate of freight or passenger traffic over or upon its railroad.

Sec. 578. HOW ACTION COMMENCED.] Every action of quo warranto shall
 2 be commenced by the presentation to the proper court of an information set

ting forth the facts constituting the usurpation or other wrongful act of the defendant and an affidavit of some person cognizant of the facts showing facts making it proper for the court to grant leave to file such information, and obtaining such leave and filing with the clerk of such court such information and a praecipe for a summons.

Sec. 579. SUMMONS—WHEN APPEARANCE REQUIRED.] The summons in an action of quo warranto shall require the appearance of the defendant on some Monday not less than five (5) nor more than thirty (30) days after the date thereof: *Provided, however,* that the court, by special order, as provided in section one hundred seventy-seven (177) of this act, may provide for an earlier date for such appearance.

Sec. 580. PLEADINGS—SUPREME COURT MAY CHANGE.] The pleadings in an action of quo warranto shall be the same, as near as may be, as those heretofore in use in such action: *Provided, however,* that the supreme court shall have power, by any rule or rules, to change the method of pleading in actions of quo warranto in such manner and to such extent as the court may deem proper and expedient.

Sec. 581. INFORMATION.] The information shall specify the court in which the action is pending, the names of the parties thereto and the classification and number of the action and shall contain an introduction stating that the Attorney General or state's attorney, either of his own motion or on the relation of some other person, brings his action of quo warranto against the defendant and thereafter, as concisely as may be, a narrative of the material facts, matters and circumstances on which the plaintiff relies for relief, such narrative to be divided into paragraphs numbered consecutively and each paragraph to contain, as near as may be, a separate and distinct matter or allegation, and shall pray specifically for the judgment which the plaintiff may conceive himself entitled to and also for such other judgment as may be warranted by law.

Sec. 582. TIME FOR DEFENDANT TO DEMUR OR PLEAD.] The defendant shall
2 be held to demur or plead to the information within three days after the day on
3 or before which he is required to enter his appearance, but the court, whenever,
4 in its judgment, such course is necessary or proper, may either diminish or en-
5 large such time.

Sec. 583. TIME FOR PLAINTIFF TO PLEAD, ETC.] The court may allow the
2 plaintiff or any defendant such convenient time to demur, plead, reply or rejoin
3 as it shall deem just and reasonable.

Sec. 584. JUDGMENT.] In case any person or corporation against whom
2 any such information is filed is adjudged guilty as charged in the information,
3 the court may give judgment of ouster against such person or corporation from
4 the office or franchise and fine such person or corporation for usurping, intrud-
5 ing into or unlawfully holding and executing such office or franchise, and also
6 give judgment in favor of the plaintiff for the costs of the prosecution: *Pro-*
7 *vided, however,* that instead of judgment of ouster from a franchise for an
8 abuse thereof, unless the court is of the opinion that the public good demands
9 such judgment, the court may fine the person or corporation found guilty in
10 any sum not exceeding twenty-five thousand dollars (\$25,000) for each offense.
11 Whenever judgment is given for any defendant in such information, the per-
12 son or corporation to whom judgment is given shall recover costs against the
13 relator, if the action be brought on the relation of a third person.

Sec. 585. OTHER PROCEEDINGS] All other proceedings down to and includ-
2 ing the final judgment, except as otherwise provided by this act, shall be the
3 same, as near as may be, as heretofore provided by law.

DIVISION XXXII.

CERTIORARI.

SECTION.

586. When action may be instituted.
 587. Who may be plaintiff.
 588. Who must be defendants.
 589. How action commenced.
 590. Summons.
 591. Time for appearance of defendants—
 default.

SECTION.

592. Appearance in writing—motion to dis-
 miss—answer.
 593. Effect of motion to dismiss.
 594. Procedure upon motion to dismiss.
 595. Answer.
 596. Final judgment.

Sec. 586. WHEN ACTION MAY BE INSTITUTED.] The action of certiorari
 2 may be instituted to bring before the court the record of the proceedings of an in-
 3 ferior tribunal for review, when it is claimed that such inferior tribunal has ex-
 4 ceeded its jurisdiction or has proceeded illegally.

Sec. 587. WHO MAY BE PLAINTIFF.] The plaintiff in such action may be
 2 any person who may have a legal interest in the proceedings sought to be re-
 3 viewed or whose personal or property rights may be affected by such proceed-
 4 ings.

Sec. 588. WHO MUST BE DEFENDANTS.] The defendant or defendants in such
 2 action shall be the persons constituting such inferior tribunal at the time of the
 3 commencement of the action.

Sec. 589. HOW ACTION COMMENCED.] Such action shall be commenced by the
 2 filing by the plaintiff in the proper court of a petition setting forth the nature of
 3 the plaintiff's case and the relief sought for. It shall specify the court in which
 4 the action is pending, the names of the parties thereto and the classification and
 5 number of the action. It shall contain an introduction stating that the plain-
 6 tiff brings his action of certiorari against the defendant or defendants, and
 7 thereafter a narrative of the material facts, matters and circumstances on which

8 the plaintiff relies, such narrative to be divided into paragraphs numbered con-
 9 secutively, and each paragraph to contain, as nearly as may be, a separate and
 10 distinct allegation. Its language shall be as brief and concise as is consistent
 11 with the understanding by the court of the case intended to be stated by the
 12 plaintiff and to that end it shall be liberally construed in the plaintiff's favor.
 13 It shall be complete in itself and shall contain no reference to any exhibits, but
 14 when any paper, document or record of any kind is material to the statement
 15 of the plaintiff's case the substance thereof, or of the portion thereof which is
 16 material to the plaintiff's case, shall be stated, or the entire paper, document or
 17 record shall be embodied, in a paragraph of the petition. It shall pray specific-
 18 ally, but, as far as may be practicable, by the use of abbreviated forms the mean-
 19 ing of which may be readily understood by the court, for the relief to which the
 20 plaintiff may conceive himself entitled and also for general relief and the prayer
 21 shall be divided into paragraphs numbered consecutively, each praying separate
 22 relief, but it shall contain no prayer for process, but such process shall be issued,
 23 or such notice shall be given to the defendants, as may be required by the plain-
 24 tiff by a note at the foot thereof.

Sec. 590. SUMMONS.] Upon the filing of the petition the clerk, when so
 2 directed by the plaintiff, shall issue a summons to the defendants, which sum-
 3 mons shall be in the same form, as near as may be, as other summonses in actions
 4 at law and the same shall be served in the same manner as is provided by this
 5 act as to summonses in other actions at law.

Sec. 591. TIME FOR APPEARANCE OF DEFENDANTS—DEFAULT.] Upon such sum-
 2 mons being served upon the defendants they shall be bound to enter their ap-
 3 pearances within the time required by this act for the entering of the appear-
 4 ances of defendants in other actions at law, and upon their failing so to do, a de-
 5 fault may be entered against them and the court may make an order requiring
 6 them to certify to the court the record of the proceedings mentioned in the petition

7 within such time as may be specified in the order and may enforce compliance
8 with such order by attachment or other appropriate proceeding.

Sec. 592. APPEARANCE IN WRITING—MOTION TO DISMISS—ANSWER.] Upon the
2 appearance of the defendants they shall be required to file their appearances in
3 writing together with either first, a motion to dismiss the petition, or second, an
4 answer to the petition.

Sec. 593. EFFECT OF MOTION TO DISMISS.] A motion by the defendant or de-
2 fendants to dismiss the petition shall bring before the court the sufficiency of
3 such petition in point of law.

Sec. 594. PROCEDURE UPON MOTION TO DISMISS.] If the motion to dismiss the
2 petition be found by the court to be well taken, the court shall dismiss the peti-
3 tion, unless the plaintiff shall so amend the same that the same shall be suf-
4 ficient in law. If, upon such motion, the petition is adjudged sufficient or an
5 amended petition is filed which the court deems to be sufficient, or, in case the
6 defendant does not elect to file a motion to dismiss the petition, the defendant
7 shall file an answer thereto.

Sec. 595. ANSWER.] Every answer shall specify the court in which the
2 action is pending, the title, classification and number thereof, and shall state
3 that the defendant answers the petition. It shall be divided into paragraphs
4 numbered consecutively, each paragraph containing, as nearly as may be, a sep-
5 arate and distinct allegation. It shall set forth the record of the proceedings
6 sought to be reviewed and any matters, in addition to such record, upon which
7 the defendant or defendants rely as a defense to the action.

Sec. 596. FINAL JUDGMENT.] If, upon the inspection of the record as set
2 forth in the answer of the defendant, the court is of the opinion that the
3 defendants have not exceeded their jurisdiction or proceeded irregularly, the

4 court shall dismiss the petition at the cost of the petitioners. If the court, upon
 5 inspection of the record of the proceedings, is of the opinion that the defendants
 6 have exceeded their jurisdiction or proceeded irregularly, the court shall enter
 7 an order quashing the proceedings, unless the defendants shall set forth in their
 8 answer and shall establish by proof facts and circumstances which satisfy the
 9 court that no injustice has been done to the plaintiff by the proceedings, or that
 10 great public detriment and inconvenience might result from the quashing there-
 11 of, in which case the court shall dismiss the petition.

DIVISION XXXIII.

EJECTMENT.

SECTION	SECTION
597. When ejectment will lie.	613. Plaintiff to have judgment according to proof.
598. Ejectment—how commenced.	614. Verdict for plaintiff—how rendered.
599. Summons—when appearance required.	615. Verdict for defendant—how rendered.
600. Practice in ejectment.	616. Judgment when plaintiff's title expires.
601. Description of premises and interest—recovery of part.	617. What the judgment shall be.
602. Specification of estate claimed.	618. Damages in favor of party recovering.
603. Joinder of claims and parties.	619. Judgment conclusive.
604. Tenant to notify landlord—penalty.	620. Writ of possession—form.
605. Landlord may be admitted as defendant.	621. Action for mesne profits.
606. Previous demand unnecessary.	622. How action prosecuted.
607. Effect of defense of not guilty.	623. Setting off improvements.
608. What plaintiff need not prove.	624. Exemption of evicted person.
609. Proof of entry, etc., by plaintiff unnecessary.	625. Notice of adverse claim—how given.
610. Title through common source.	626. Upon whom notice binding.
611. Judgment to be according to rights of parties.	627. Reference to master—master's report.
612. Judgment in several action.	628. Action of court upon report.
	629. Injunction against waste—receiver.

Sec. 597. WHEN EJECTMENT WILL LIE.] The action of ejectment may be

2 brought not only in cases in which it has heretofore been authorized, but it

3 may also be brought by any person, whether in or out of possession of the
 4 premises claimed, or whether such premises be occupied, or vacant or unoccu-
 5 pied, who claims a valid legal vested interest of any kind or character, whether in
 6 possession or in reversion, in such premises against any other person or per-
 7 sons as against whom the plaintiff seeks to establish the superiority of his own
 8 interest or title, and in any such action the plaintiff may unite with his claim
 9 of title or interest a claim against the defendant or defendants for use and
 10 occupation thereof, or for damages with respect to such use and occupation.

Sec. 598. EJECTMENT—HOW COMMENCED.] Every action of ejectment shall
 2 be commenced by the filing by the plaintiff, with the clerk of the proper court,
 3 of a praecipe for a summons and a statement of the plaintiff's claim, describ-
 4 ing the premises claimed and the particular title or interest therein claimed by
 5 the plaintiff, substantially in the form prescribed by section two hundred fifty-
 6 two (252) of this act.

Sec. 599. SUMMONS—WHEN APPEARANCE REQUIRED.] The summons in an
 2 action of ejectment shall require the appearance of the defendant on some Mon-
 3 day not less than five (5) nor more than thirty (30) days after the date
 4 thereof.

Sec. 600. PRACTICE IN EJECTMENT.] The practice in actions of ejectment,
 2 excepting as may otherwise be prescribed in this act, shall be as provided in
 3 the following twenty-nine (29) sections of this act.

Sec. 601. DESCRIPTION OF PREMISES AND INTEREST—RECOVERY OF PART.] The
 2 premises claimed shall be described in the plaintiff's statement of claim with
 3 convenient certainty, so that, from such description, possession of the premises
 4 claimed may be delivered. If the plaintiff claims any undivided share or inter-
 5 est in any premises, he shall state the same particularly in such statement of
 6 claim; but the plaintiff, in any case, may recover such part, share or interest in
 7 the premises as he shall appear on the trial to be entitled to.

Sec. 602. SPECIFICATION OF ESTATE CLAIMED.] In every case the plaintiff
 2 shall state whether he claims in fee, or whether he claims for his own life, or
 3 the life of another, or for a term of years, specifying such life or the duration
 4 of such term.

Sec. 603. JOINDER OF CLAIMS AND PARTIES.] Several claims may be united
 2 in the same action and several parties may be named as plaintiffs jointly as
 3 to one claim and separately as to others.

Sec. 604. TENANT TO NOTIFY LANDLORD—PENALTY.] Every tenant who shall
 2 at any time be sued in ejectment by any person other than his landlord shall
 3 forthwith give notice thereof to his landlord, or to his agent or attorney, under
 4 the penalty of forfeiting two years' rent for the premises in question, or the
 5 value thereof, to be recovered by such landlord by any action at law in any
 6 court having cognizance thereof.

Sec. 605. LANDLORD MAY BE ADMITTED AS DEFENDANT.] The landlord whose
 2 tenant is sued in ejectment may, upon his own motion or that of the plaintiff,
 3 be made defendant in such action upon such terms as may be ordered by the
 4 court.

Sec. 606. PREVIOUS DEMAND UNNECESSARY.] No demand for possession or
 2 for the recognition of the plaintiff's interest in the premises shall be necessary
 3 before commencing the action.

Sec. 607. EFFECT OF DEFENSE OF NOT GUILTY.] The specification of the
 2 defense of not guilty shall not put in issue the possession of the premises by
 3 the defendant or that he claims title or interest in the premises.

Sec. 608. WHAT PLAINTIFF NEED NOT PROVE.] It shall not be necessary in
 2 any case for the plaintiff to prove that the defendant was in possession of the
 3 premises at the time of the bringing of the action, nor shall it be necessary for

4 the plaintiff to prove that the defendant claims title or interest in the premises
 5 at the time of bringing the action, unless the defendant shall file with his speci-
 6 fication of defense or defenses an affidavit denying that he claims title or in-
 7 terest therein.

Sec. 609. PROOF OF ENTRY, ETC., BY PLAINTIFF UNNECESSARY.] It shall not
 2 be necessary for the plaintiff to prove an actual entry under title nor the ac-
 3 tual receipt of any of the profits of the premises claimed; but it shall be sufficient
 4 for him to show a valid legal vested interest, either in possession or in reversion,
 5 in such premises at the time of the commencement of the action, as heir, devisee,
 6 purchaser or otherwise.

Sec. 610. TITLE THROUGH COMMON SOURCE.] If the plaintiff, or his agent or
 2 attorney, shall file with his statement of claim an affidavit that he claims title
 3 through a common source with the defendant, it shall be sufficient for him to
 4 show title from such common source, unless the defendant, or his agent or attor-
 5 ney, shall file with his specification of defense or defenses an affidavit denying
 6 that he claims title through such source or setting forth that he claims title
 7 through some other source.

Sec. 611. JUDGMENT TO BE ACCORDING TO RIGHTS OF PARTIES.] It shall not be
 2 an objection to a recovery, in any action of ejectment, that any one of several
 3 plaintiffs does not prove any interest in the premises claimed, but those en-
 4 titled shall have judgment according to their rights for the whole or such part
 5 or portion as he or they might have recovered, if he or they had brought the
 6 action in his or their name or names only.

Sec. 612. JUDGMENT IN SEVERAL ACTION.] If the action is several and the
 2 plaintiff is entitled to recover, he shall recover against all who are in joint
 3 possession or claim title, whether they have pleaded separately or jointly.

Sec. 613. PLAINTIFFS TO HAVE JUDGMENT ACCORDING TO PROOF.] When the action is against several defendants, if it shall appear on the trial that any of them occupy or claim some right, title or interest in distinct parcels in severalty or jointly, judgment shall not on that account be given against the plaintiff, but if the plaintiff shall establish the legal vested interest, whether in possession or in reversion, claimed by him in all of such parcels, or in any or either of them, he shall be entitled to judgment in his favor with respect to each of such parcels in which he shall have established a legal and vested interest, and against each of the defendants as against whom he shall have established such legal vested interest.

Sec. 614. VERDICT FOR PLAINTIFF—HOW RENDERED.] In the following cases the verdict, if it be in favor of the plaintiff or plaintiffs, shall be rendered as follows:

First—FOR PLAINTIFFS GENERALLY.] If it be shown on the trial that all the plaintiffs have a right to recover the possession of the premises the verdict in that respect shall be for the plaintiffs generally.

Second—FOR ONE AND AGAINST ANOTHER PLAINTIFF.] If it appear that one or more of the plaintiffs have a right to recover possession of the premises and that one or more have not such right, the verdict shall specify for which plaintiff the jury find and as to which plaintiff they find for the defendant.

Third—AGAINST DEFENDANTS IN POSSESSION OR CLAIMING TITLE.] If the verdict be for any plaintiff and there be several defendants the verdict shall be rendered against such of them as were in possession of the premises, or as claimed title thereto, at the commencement of the action.

Fourth—FOR ALL OF PREMISES CLAIMED.] If the verdict be for all the premises claimed as specified in the plaintiff's statement of claim, it shall in that respect be for such premises generally.

Fifth—FOR PART OF PREMISES CLAIMED.] If the verdict be for a part of the premises described in the plaintiff's statement of claim, the verdict shall

20 particularly specify such part as the same shall have been proved, with the
 21 same certainty hereinbefore required in the description of the premises
 22 claimed.

23 *Sixth*—FOR UNDIVIDED SHARE, ETC.] If the verdict be for an undivided
 24 share or interest in the premises claimed, it shall specify such share or interest;
 25 and if for an undivided share in a part of the premises claimed, it shall specify
 26 such share and shall describe such part of the premises as hereinbefore required.

27 *Seventh*—ESTATE TO BE SPECIFIED.] The verdict shall also specify the estate
 28 which shall have been established at the trial, by the plaintiff in whose favor
 29 it shall be rendered, whether such estate be in fee, or for his own life, or for the
 30 life of another, stating such lives, or whether it be for a term of years, and speci-
 31 fying the duration of such term, or if it be an estate in reversion it shall so
 32 specify, and shall describe the previous estate.

Sec. 615. VERDICT FOR DEFENDANTT—HOW RENDERED.] If the verdict in any
 2 such action be in favor of the defendant or in favor of any one or more of
 3 several defendants, it shall be rendered as follows:

4 *First*—FOR DEFENDANT GENERALLY.] If it appears that the plaintiff is neither
 5 entitled to recover possession nor establish title as against the defendant, or
 6 any one or more of several defendants, and no specification of title is filed by
 7 the defendant or any defendant, the verdict shall be for the defendant or defend-
 8 ants generally.

9 *Second*—WHEN DEFENDANT FILES SPECIFICATION OF TITLE.] If the defend-
 10 ant, or any one or more of several defendants, has filed a specification of title
 11 and it be shown on the trial that such defendant has a right to recover the
 12 possession of the premises, or of some part thereof, or is entitled to have a
 13 title established to the same, or to some portion thereof, the verdict as to such
 14 defendant shall be in the form, as near as may be, as is above prescribed with
 15 respect to a similar verdict in favor of the plaintiff, or some one or more of
 16 several plaintiffs.

Sec. 616. JUDGMENT WHEN PLAINTIFF'S TITLE EXPIRES.] If the right or
 2 title of a plaintiff in an action of ejectment expire after the commencement of
 3 the action but before trial, the finding or verdict shall be returned according
 4 to the fact, and such verdict shall assess the damages of the plaintiff by reason
 5 of the withholding of the premises by the defendant and judgment shall be
 6 entered on such finding that the plaintiff recover such damages and that as to
 7 the premises claimed the defendant go thereof without day.

Sec. 617. WHAT THE JUDGMENT SHALL BE.] In cases where no other pro-
 2 vision is made the judgment in the action, if the plaintiff prevail, shall be that
 3 the plaintiff recover the possession of the premises, or that his title be estab-
 4 lished according to the verdict of the jury, if there was such verdict, or the
 5 finding of the court, if the case is tried without a jury; or, if the judgment be
 6 by default, according to the description thereof in the plaintiff's statement of
 7 claim with costs to be taxed. If the defendant prevail, the judgment shall be that
 8 the defendant go thereof without day, unless the defendant shall have filed a
 9 specification of title and there shall have been a verdict or finding in his favor
 10 with respect to such title, in which case the judgment shall be that his title be
 11 established accordingly.

Sec. 618. DAMAGES IN FAVOR OF PARTY RECOVERING.] The plaintiff recover-
 2 ing judgment in ejectment in any of the cases in which such action may be
 3 maintained shall also be entitled to recover damages against the defendant
 4 for the rents and profits of the premises recovered, unless it shall appear that
 5 the defendant was not in possession of the premises so recovered, and when any
 6 defendant shall recover judgment in ejectment establishing title to the premises
 7 or any part thereof, he also shall be entitled to recover damages against the
 8 plaintiff for the rents and profits of the premises recovered, if it shall appear
 9 that the plaintiff was in possession of the premises recovered and that the de-
 10 fendant was entitled to the possession thereof.

Sec. 619. JUDGMENT CONCLUSIVE.] Every judgment in the action of ejectment shall be conclusive as to the title established in such action upon the party against whom the same is rendered and against all persons claiming from, through or under such party by title accruing after the commencement of such action, or by any title accruing prior to the commencement of such action when the instrument evidencing the same is not, prior to the commencement of such action, filed for record in the office of the recorder of the county in which such premises are situated.

Sec. 620. WRIT OF POSSESSION—FORM.] The plaintiff recovering judgment entitling him to possession of the premises shall be entitled to a writ of possession which may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

5	John Doe	} Ejectment. No. 50.
	v.	
6	Richard Roe	

WRIT OF POSSESSION.

The People of the State of Illinois—GREETING to the Sheriff of Cook County:

We hereby command you that without delay you deliver to John Doe, the plaintiff in the above entitled action, possession of the premises recovered by him by the judgment rendered in said action on the 17th day of March, 1908, from the defendant, Richard Roe, with the appurtenances, to-wit: (here describe premises recovered as described in judgment), and that you certify to our said circuit court in what manner you shall have executed this writ. (If there be costs to be collected the proper clause may be here inserted or a separate execution may be issued therefor.)

Witness John Smith, clerk of our said circuit court and the seal thereof at Chicago, Illinois, this 24th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 621. ACTION FOR MESNE PROFITS.] Any person recovering any judgment in ejectment may, at any time within one year after the entry thereof, bring his action against the defendant in the judgment to recover for the mesne profits received by such defendant since he entered into possession of the premises, subject to the restrictions hereinafter contained.

Sec. 622. HOW ACTION PROSECUTED.] Such action shall be brought and
 2 prosecuted in the manner provided in this act for the bringing and prosecution
 3 of an action to recover money only upon a contract, express or implied, other
 4 than a contract in writing.

Sec. 623. SETTING OFF IMPROVEMENTS.] In any such action the defendant
 2 shall have the same right to set off any improvements made on the premises, to
 3 the amount of the plaintiff's claim, as is now or shall hereafter be allowed by
 4 law; and in estimating the plaintiff's damages, the value of the use by the defend-
 5 ant of any improvements made by him shall not be allowed to the plaintiff.

Sec. 624. EXEMPTION OF EVICTED PERSON.] Every person who may here-
 2 after be evicted from any land for which he can show a plain, clear and con-
 3 nected title, in law or in equity, deduced from the record of some public office,
 4 without actual notice of an adverse title in like manner derived from record,
 5 shall be exempt and free from all and every species of action, writ or prosecu-
 6 tion for or on account of any rents, or profits, or damages, which shall have
 7 been done, accrued or incurred at any time prior to receipt of actual notice of
 8 the adverse claim by which the eviction may be effected, provided such person
 9 obtained peaceable possession of the land.

Sec. 625. NOTICE OF ADVERSE CLAIM—HOW GIVEN.] Notice of any adverse
 2 claim or title to the land, within the meaning of this chapter, shall have been
 3 given by bringing a suit, either in law or equity, for the same, by the one or
 4 the other of the parties, and may hereafter be given by bringing a suit, as
 5 aforesaid, or by delivering an attested copy of the entry, survey or patent from
 6 which he derives his title or claim, or leaving any such copy with the party or
 7 his wife: *Provided, however,* that notice given by the delivery of an attested
 8 copy, as aforesaid, shall be void, unless suit is brought within one year there-
 9 after: *Provided,* that in no case shall the proprietor of the better title be

10 obliged to pay to the occupying claimant, for improvements made after notice,
 11 more than what is equal to the rents and profits aforesaid.

Sec. 626. UPON WHOM NOTICE BINDING.] Notice to any occupying claimant
 2 shall bind all those claiming from, by or through such occupying claimant, to
 3 the extent of such claim.

Sec. 627. REFERENCE TO MASTER—MASTER'S REPORT.] The court which shall
 2 pronounce and give judgment of eviction, either in law or equity, in any case
 3 provided for in the three next preceding sections, shall enter an order referring
 4 it to a master in chancery of such court to hear the evidence and state an ac-
 5 count between the plaintiff and the defendant in the judgment as to the rents,
 6 issues and profits and the improvements upon the premises specified in such
 7 judgment and to ascertain and report to the court the following:

8 *First*—PRIOR LASTING IMPROVEMENTS.] The value of all such lasting and
 9 valuable improvements which shall have been made upon the premises prior to
 10 the receipt of the notice specified in the three next preceding sections.

14 *Second*—DAMAGES FOR WASTE, ETC.] All damages the land may have sus-
 12 tained by the commission of any kind of waste or deduction of soil by cultiva-
 13 tion or otherwise during the occupancy of the person evicted prior to the re-
 14 ceipt of such notice.

15 *Third*—SUBSEQUENT LASTING IMPROVEMENTS.] The value of all such neces-
 16 sary and lasting improvements as shall have been made on the premises after
 17 the receipt of such notice.

18 *Fourth*—RENTS AND PROFITS.] The amount of the rents and profits arising
 19 from the whole of the improvements on the premises subsequent to the receipt
 20 of such notice.

21 *Fifth*.—VALUE OF LANDS.] The value of the lands in dispute exclusive of
 22 any improvements that shall have been made thereon.

Sec. 628. ACTION OF COURT UPON REPORT.] Upon the coming in of such master's report and the approval of the same, the court shall charge the person recovering judgment with the items specified in Clause First and Clause Third of the preceding section and shall charge the person evicted with the items specified in Clause Second and Clause Fourth of said section. If, upon such accounting, the balance be against the party recovering judgment in ejectment and such balance shall exceed the value of the premises, exclusive of any improvements that shall have been made thereon, and the party recovering the judgment in ejectment will transfer or convey his title to the premises to the opposite party, judgment shall be entered in his favor and against such opposite party for such value of the premises, exclusive of improvements, but in case the party recovering the judgment in ejectment shall not elect to transfer or convey his title to the premises to the opposite party, as aforesaid, or in case the balance in favor of such opposite party shall not exceed the value of the premises, exclusive of any improvements that shall have been made thereon, judgment shall be entered in favor of such opposite party and against the party recovering the judgment in ejectment for the amount of the balance aforesaid. Whenever any judgment for any such balance shall be rendered against the party against whom a judgment of eviction has been rendered, the judgment for such balance may be stayed for a period of one year after the entry thereof upon the party against whom the same is rendered giving a bond in such sum and with such security as may be required by the court, conditioned for the payment of the amount of such judgment within one year after the date thereof to the party entitled to such payment.

Sec. 629. INJUNCTION AGAINST WASTE—RECEIVER.] The court in which any action of ejectment is brought against any person in possession and receiving the rents, issues and profits of the premises sought to be recovered may, on the application of the plaintiff, enter an injunction order restraining such person in

5 possession from committing waste during the pendency of the action and may
 6 also, on the application of the plaintiff, enter an order appointing a receiver of
 7 the rents, issues and profits of such premises during the pendency of the action,
 8 but no such order shall be entered without notice to such party in possession,
 9 or without proof to the satisfaction of the court that there is probable ground
 10 to believe that the plaintiff may recover in the action of ejectment; nor shall any
 11 receiver be appointed to collect the rents, issues or profits of such portion of
 12 the premises as may be occupied by the defendant as a homestead.

DIVISION XXXIV.

HABEAS CORPUS.

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631. How action commenced—requisites of petition.	649. Return amendable.
632. Narrative of petition to be divided into paragraphs.	650. Bail.
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636. Endorsement on writ.	654. What court may discharge party held under process.
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SECTION

- 664. When prisoner may be removed—penalty.
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Sec. 630. WHO MAY PROSECUTE ACTION.] Every person imprisoned or
 2 otherwise restrained of his liberty, except as herein otherwise provided, may
 3 prosecute an action of habeas corpus in the manner provided in this act to obtain
 4 relief from such imprisonment or restraint, if it prove to be unlawful, or such
 5 action may be prosecuted by any person on behalf of another person so imprison-
 6 ed or restrained.

Sec. 631. HOW ACTION COMMENCED—REQUISITES OF PETITION.] The action
 2 shall be commenced by the filing by the plaintiff with the clerk of the proper
 3 court of a petition signed by the person for whose relief it is intended, or by
 4 some person in his behalf, and verified by affidavit. It shall specify the court
 5 in which the action is commenced, the name of the plaintiff, who shall be the
 6 person for whose relief the action is commenced, or some other person acting in
 7 his behalf, and the name of the defendant, who shall be the person charged with
 8 the imprisonment or restraint, and the classification and number of the action.
 9 It shall recite that the plaintiff brings his action of habeas corpus against the
 10 defendant and thereafter contain a narrative setting forth in substance the fol-
 11 lowing:

12 *First—RESTRAINT, ETC.]* That the person in whose behalf the writ of habeas
 13 corpus is applied for is restrained of his liberty and the place where, naming all
 14 the parties if they are known, or describing them, if they are not known.

15 *Second—CAUSE OF RESTRAINT.]* The cause or pretense of the restraint ac-
 16 cording to the knowledge and belief of the plaintiff, and that such person is not

17 committed or detained by virtue of any process, judgment, decree or execution
18 either—

19 *a*—By virtue of process of any court or judge of the United States in a case
20 where such court or judge has exclusive jurisdiction; or,

21 *b*—By virtue of a final judgment or decree of any competent court of civil
22 or criminal jurisdiction, or of any execution issued upon such judgment or de-
23 cree, unless the time during which such party may be legally restrained has ex-
24 pired; or,

25 *c*—For any treason or other crime committed in any other state or territory
26 of the United States for which such person ought, by the constitution and laws of
27 the United States, to be delivered up to the executive power of such state or
28 territory.

29 *Third*—COPY OF WARRANT, ETC.] If the commitment or restraint is by virtue
30 of any warrant or writ of process, a copy of the same shall be embodied in the
31 petition, or it shall be averred that by reason of such prisoner being removed
32 or concealed before application, a demand of such copy could not be made, or
33 that such demand was made and the legal fees therefor tendered to the officer or
34 person having such prisoner in his custody and that such copy was refused.

 Sec. 632. NARRATIVE OF PETITION TO BE DIVIDED INTO PARAGRAPHS.] The nar-
2 rative in the petition shall be divided into paragraphs numbered consecutively,
3 each paragraph to contain, as nearly as may be, a separate and distinct matter or
4 allegation. Its language shall be as brief and concise as is consistent with the
5 understanding by the court of the case intended to be stated by the plaintiff
6 and to that end it shall be liberally construed in the plaintiff's favor. It shall be
7 complete in itself and shall contain no reference to any exhibits, but when any
8 paper, document or record of any kind is material to the statement of the plain-
9 tiff's case, the substance thereof, or of the portion thereof which is material to
10 the plaintiff's case, shall be stated, or the entire paper, document or record shall

11 be embodied in a paragraph of the petition. It shall pray for a writ of habeas
 12 corpus and the discharge from imprisonment or other restraint of the party in
 13 whose behalf the writ is sought. .

Sec. 633. COPY OF COMMITMENT TO BE FURNISHED PETITIONER.] Any sheriff
 2 or other officer or person having the custody of any prisoner, committed on any
 3 civil or criminal process of any court or magistrate, who shall neglect to give such
 4 prisoner a copy of the process or order of commitment by which he is impris-
 5 oned within six hours after demand made by the prisoner, or any one on his be-
 6 half, shall forfeit to the prisoner or party aggrieved not exceeding five hundred
 7 dollars (\$500).

Sec. 634. WHEN WRIT TO BE AWARDED—PENALTY.] When the petition is pre-
 2 sented to the court, unless it shall appear from the petition itself, or from the
 3 document therein embodied, that the party can neither be discharged, admitted to
 4 bail nor otherwise relieved, the court shall forthwith award a writ of habeas cor-
 5 pus. Any judge empowered to order writs of habeas corpus who shall corruptly
 6 refuse to order any such writ when legally applied for in a case where it may law-
 7 fully issue, or who shall, for the purpose of oppression, unreasonably delay the
 8 issuing of such writ, shall, for every such offense, forfeit to the prisoner or party
 9 aggrieved a sum not exceeding one thousand dollars (\$1,000).

Sec. 635. REQUISITES OF WRIT—FORM.] If the writ is allowed by the court
 2 it shall be issued by the clerk under the seal of the court, tested in the name of
 3 the clerk, dated on the day it shall be issued and signed with his name, or it may
 4 be issued by the judge under his own seal and signed with his name. It may be
 5 in substantially the following form:

6 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

7 John Doe
 8 v.
 8 Richard Roe as Sheriff of } Habeas Corpus. No. 47.
 9 Cook County, Illinois. }

WRIT OF HABEAS CORPUS.

10 The People of the State of Illinois—GREETING to Richard Roe, sheriff of Cook
 11 county:

12 You are hereby commanded to have the body of John Doe, by you impris-
 13 oned and detained as it is said, together with the time and cause of such impris-
 14 onment and detention, by whatsoever name said John Doe shall be called or
 15 charged, before the circuit court of Cook county, Illinois, the Honorable John
 16 Jones, Judge Presiding, at the county court-house in Chicago in said county, im-
 17 mediately after being served with this writ to be dealt with according to law;
 18 and have you then and there this writ with a return thereon of your doings in
 19 the premises.

20 Witness John Smith, clerk of said circuit court and the seal thereof at Chi-
 21 cago, aforesaid, this 10th day of February, 1908.

22 JOHN SMITH, *Clerk.*

BY THE HABEAS CORPUS ACT.

Sec. 636. ENDORSEMENT ON WRIT.] To the intent that no officer or person
 2 to whom such writ is directed may pretend ignorance thereof every such writ
 3 shall be endorsed with these words: "By the Habeas Corpus Act."

Sec. 637. SUBPOENAS.] When the party has been committed upon a crim-
 2 inal charge, unless the court or judge deem it unnecessary, a subpoena shall also
 3 be issued to summon the witnesses whose names have been endorsed upon the
 4 warrant of commitment to appear before such court at the time and place when
 5 and where such habeas corpus is returnable, and in case such subpoena is issued
 6 to a sheriff or other officer it shall be his duty to serve the same, if it be possible,
 7 in time to enable such witnesses to attend.

Sec. 638. SERVICE OF WRIT.] Service of a writ of habeas corpus shall be
2 made by delivering the same, together with a copy of the plaintiff's petition, to
3 the person to whom it is directed, or to any of his under officers who may be at
4 the place where the prisoner is detained; or, if he cannot be found, or has not
5 the person imprisoned or restrained in custody, the service may be made upon
6 any person who has him in custody with the same effect as though he had been
7 made a defendant therein.

Sec. 639. BY WHOM WRIT MAY BE SERVED.] A writ of habeas corpus may be
2 served by any sheriff, deputy sheriff, coroner or deputy coroner of the county in
3 which such service is had, or by any bailiff or deputy bailiff of any court of rec-
4 ord in such county, or by any person over the age of eighteen years, not a party
5 to the action. When service or execution of any writ of habeas corpus is made
6 by any sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff,
7 proof of such service may be made by the return of such officer endorsed upon
8 a copy of such writ and signed by him. When service of any writ of habeas cor-
9 pus is made by any person other than a sheriff, deputy sheriff, coroner, deputy
10 coroner, bailiff or deputy bailiff, proof of such service shall be made by the affi-
11 davit of the person making such service endorsed on a copy of such writ or at-
12 tached thereto, which affidavit shall state the name, place of residence, age and
13 occupation of the person making such service and the fact that he is not a party
14 to the action and shall set forth the date, place and manner of such service.

Sec. 640. WHEN EXPENSES TO BE TENDERED OFFICER.] When the person con-
2 fined or restrained is in the custody of a civil officer, the court granting the writ
3 shall certify thereon the sum to be paid for the expense of bringing him from
4 the place of imprisonment, not exceeding ten cents per mile, and the officer shall
5 not be bound to obey it unless the sum so certified is paid or tendered to him
6 and security is given to pay the charges of carrying him back if he should be
7 remanded: *Provided, however, that* if such court shall be satisfied that the

8 person so confined or restrained is a poor person and unable to pay such ex-
 9 pense, then such court shall cause a certificate thereof to be endorsed on such
 10 writ, and in such case no tender or payment of expenses need be made or secur-
 11 ity given, as aforesaid, but the officer shall be bound to obey such writ.

Sec. 641. RETURN.] The officer or person upon whom such writ is served
 2 shall state in his return plainly and unequivocally the following:

3 *First*—AS TO CUSTODY OR CONTROL OF PARTY.] Whether he has or has not
 4 the party in his custody or control or under his restraint, and if he has not,
 5 whether he has had the party in his custody or control or under his restraint at
 6 any and what time prior or subsequent to the date of the writ.

7 *Second*—AUTHORITY FOR RESTRAINT.] If he has the party in his custody or
 8 control or under his restraint, the authority and true cause of such imprison-
 9 ment or restraint, setting forth the same at large.

10 *Third*—COPY OF WRIT, ETC.] If the party is detained by virtue of any writ,
 11 warrant or other written authority, a copy thereof shall be annexed to the re-
 12 turn and the original shall be produced and exhibited on the return of the writ
 13 to the court before whom the same is returnable.

14 *Fourth*.—TRANSFER OF CUSTODY—RETURN TO BE SIGNED, ETC.] If the person
 15 upon whom the writ is served has had the party in his custody or control or
 16 under his restraint at any time prior or subsequent to the date of the writ, but
 17 has transferred such custody or restraint to another, the return shall state
 18 particularly to whom, at what time, for what cause and by what authority such
 19 transfer took place. The return shall be signed by the person making the
 20 same and, except where such person is a sworn public officer and makes the re-
 21 turn in his official capacity, it shall be verified by oath.

Sec. 642. OFFICER TO PRODUCE BODY UNLESS, ETC.] The officer or person
 2 making the return shall, at the same time, bring the body of the party, if in his
 3 custody or power or under his restraint, according to the command of the writ.
 4 unless prevented by the sickness or infirmity of the party.

Sec. 643. PROCEDURE WHEN PARTY IS SICK OR INFIRM.] When, from the sickness or infirmity of the party, he cannot without danger be brought to the place appointed for the return of the writ, that fact shall be stated in the return, and, if it is proved to the satisfaction of the court, the judge thereof may proceed to the jail or other place where the party is confined and there make his examination, or he may adjourn the same to such other time or make such other order in the case as law and justice require.

Sec. 644. REFUSAL TO OBEY WRIT—PENALTY.] If the officer or person upon whom such writ is served refuses or neglects to obey the same, by producing the party named in the writ and making a full and explicit return thereto, within the time required by this act and no sufficient excuse is shown for such refusal or neglect, the court before whom the writ is returnable, upon proof of the service thereof, shall enforce obedience by attachment as for contempt, and the officer or person so refusing or neglecting shall forfeit to the party aforesaid a sum not exceeding five hundred dollars (\$500) and be incapable of holding office.

Sec. 645. WRIT MAY ISSUE WITH ATTACHMENT.] The court may also, at the same time or afterwards, issue a writ to the sheriff or other person to whom such attachment is directed, commanding him to bring forthwith before the court the party for whose benefit the writ was allowed, who shall thereafter remain in the custody of such sheriff or other person until he is discharged, bailed or remanded, as the court shall direct.

Sec. 646. WRIT MAY REQUIRE OFFICER TO TAKE PARTY RESTRAINED.] Whenever it shall appear by the complaint or by affidavit that any one is illegally held in custody or restraint, and that there is good reason to believe that such person will be taken out of the jurisdiction of the court before whom the application for a habeas corpus is made, or will suffer some irreparable injury before

6 compliance with the writ can be enforced, such court may cause the writ to be
 7 directed to the sheriff or other proper officer, commanding him to take the
 8 prisoner thus held in custody or restraint and forthwith bring him before the
 9 court to be dealt with according to law. The court may also, if the same be
 10 deemed necessary, insert in the writ a command for the apprehension of the
 11 person charged with causing the illegal restraint. The officer shall execute the
 12 writ by bringing the person therein named before the court and the like return
 13 and proceedings shall be required and had as in other writs of habeas corpus.

Sec. 647. PROCEDURE UPON RETURN OF WRIT.] Upon the return of a writ of
 2 habeas corpus the court shall, without delay, proceed to examine the cause of
 3 the imprisonment or restraint, but the examination may be postponed from
 4 time to time, when such course is necessary to a proper hearing and disposition
 5 of the matter by the court. But no such postponement shall be made unless the
 6 same be necessary for the purpose aforesaid.

Sec. 648. DENIAL OF FACTS STATED IN RETURN—EVIDENCE.] The party im-
 2 prisoned or restrained may deny any of the material facts set forth in the return
 3 and may allege any other fact that may be material in the case, which denial
 4 or allegation shall be on oath; and the court shall proceed in a summary way
 5 to examine the cause of the imprisonment or restraint, hear the evidence pro-
 6 duced by any person interested or authorized to appear, both in support of such
 7 imprisonment or restraint and against it, and thereupon shall dispose of the
 8 party as the case may require.

Sec. 649. RETURN AMENDABLE.] The return, as well as any denial or alle-
 2 gation, may be amended at any time by leave of court

Sec. 650. BAIL.] The court may, in its discretion, pending the final de-
 2 termination of the proceedings, admit to bail the person imprisoned.

Sec. 651. WHAT ARE CAUSES FOR DISCHARGE.] If it appear that the prisoner

2 is in custody by virtue of process from any court legally constituted he can
3 be discharged only for some one or more of the following causes:

4 *First*—EXCESS OF JURISDICTION.] Where the court has exceeded the limit of
5 its jurisdiction either as to the matter, place, sum or person.

6 *Second*—SUBSEQUENT EVENT ENTITLING PARTY TO DISCHARGE.] Where, though
7 the original imprisonment was lawful, yet, by some act, omission or event
8 which has subsequently taken place, the party has become entitled to his dis-
9 charge.

10 *Third*—DEFECTIVE PROCESS.] Where the process is defective in some sub-
11 stantial form required by law.

12 *Fourth*—PROCESS NOT ALLOWED.] Where the process, though in proper form,
13 has been issued in a case or under circumstances where the law does not allow
14 process or orders for imprisonment or arrest to issue.

15 *Fifth*—PROCESS EXECUTED BY UNAUTHORIZED PERSON.] Where, although in
16 proper form, the process has been issued or executed by a person either un-
17 authorized to issue or execute the same, or where the person having the cus-
18 tody of the prisoner under such process is not the person empowered by law
19 to detain him.

20 *Sixth*—PROCESS OBTAINED BY FALSE PRETENSE, ETC.] Where the process ap-
21 pears to have been obtained by false pretense or bribery.

22 *Seventh*—UNAUTHORIZED PROCESS.] Where there is no general law nor any
23 judgment, order or decree of a court to authorize the process, if in a civil
24 action, nor any conviction, if in a criminal proceeding.

Sec. 652. No INQUIRY INTO OTHER MATTERS.] No court on the return of a
2 habeas corpus shall, in any other matter than those specified in the preceding
3 section, inquire into the legality or justice of a judgment or decree of a court
4 legally constituted.

Sec. 653. NO DISCHARGE UPON AFFIRMANCE OF JUDGMENT.] No circuit court
 2 or city court, nor the superior court of Cook county, nor the criminal court
 3 of Cook county, shall discharge any prisoner in custody by virtue or under color
 4 of process from any court of original jurisdiction of this state, when the or-
 5 der or judgment of said last mentioned court in execution of which such pro-
 6 cess has issued has been reviewed upon appeal or writ of error and affirmed
 7 by the supreme court or by any appellate court. In any such case such pris-
 8 oner so in custody may be discharged only by the supreme court.

Sec. 654. WHAT COURT MAY DISCHARGE PARTY HELD UNDER PROCESS.] A
 2 prisoner in custody by virtue of process or color of process from any circuit
 3 court, or the superior court of Cook county, or the criminal court of Cook coun-
 4 ty, can only be discharged upon habeas corpus by the court out of which such
 5 process has been issued or by the supreme court.

Sec. 655. WHEN CITY COURT NOT TO DISCHARGE.] No city court shall have
 2 power to discharge upon habeas corpus any person imprisoned beyond the
 3 limits of the city in which such city court is established.

Sec. 656. PRISONER BEYOND LIMITS OF COUNTY NOT TO BE DISCHARGED UNLESS
 2 ETC.] Neither any circuit court, the superior court of Cook county nor the crim-
 3 inal court of Cook county, shall have power to discharge upon habeas corpus
 4 any person imprisoned beyond the limits of the county in which such court is
 5 held, unless the person so imprisoned is in custody by virtue of process or
 6 color of process from such court: *Provided, however,* that any person im-
 7 prisoned or restrained of his liberty in any county, when there is no judge of
 8 the circuit court of such county or of the superior court of Cook county in at-
 9 tendance at the county seat of such county, may be discharged upon habeas
 10 corpus by the circuit court of any county in the circuit in which such county is
 11 situated; and, *provided, further,* that when any person has been imprisoned in
 12 any county otherwise than under color of process from a court in such county

13 and after being so imprisoned is removed to and imprisoned in another county,
 14 the action of habeas corpus may be brought in either county.

Sec. 657. WHEN NEW COMMITMENT MAY BE MADE.] In all cases where the
 2 imprisonment is for a criminal or supposed criminal matter, if it appears to the
 3 court that there is sufficient legal cause for the commitment of the prisoner, al-
 4 though such commitment may have been informally made or without due au-
 5 thority, or the process may have been executed by a person not duly author-
 6 ized, the court shall make a new commitment in proper form and direct it to
 7 the proper officer or admit the party to bail, if the case is bailable. The court
 8 shall also, when necessary, take the recognizance of all the material witnesses
 9 against the prisoner as in other cases. The recognizance shall be in the form
 10 provided by law and returned as other recognizances. If any judge shall neglect
 11 or refuse to bind any such prisoner or witness by recognizance, or to return a
 12 recognizance when taken as aforesaid, he shall be deemed guilty of a misde-
 13 meanor in office, and be proceeded against accordingly.

Sec. 658. ORDER REMANDING—SECOND WRIT.] When any prisoner brought
 2 up on a habeas corpus shall be remanded to prison, it shall be the duty of the
 3 court to cause an order to be entered of record so remanding the prisoner and
 4 it shall be the duty of the clerk of the court to forthwith make out and deliver
 5 to the sheriff or other person to whose custody the prisoner shall be remanded
 6 a certified copy of such order. If such prisoner shall obtain a second writ of
 7 habeas corpus it shall be the duty of such sheriff or other person to whom the
 8 same shall be directed to return therewith the certified copy of the order afore-
 9 said; and if it shall appear that the said prisoner was remanded for an offense
 10 adjudged not bailable, it shall be taken and received as conclusive, and the pris-
 11 oner shall be remanded without further proceedings.

Sec. 659. COURT NOT TO DISCHARGE ON SECOND WRIT WHEN—BAIL.] It shall
 2 not be lawful for any court on a second writ of habeas corpus obtained by such

3 prisoner to discharge the said prisoner, if he is clearly and specifically charged
 4 in the warrant of commitment with a criminal offense; but the said court shall,
 5 on the return of such writ, have power only to admit such prisoner to bail
 6 where the offense is bailable by law, or remand him to prison where the offense
 7 is not bailable, or being bailable, where such prisoner shall fail to give the bail
 8 required.

Sec. 660. PRISONER DISCHARGED NOT TO BE AGAIN IMPRISONED WHEN—CAUSES.]

2 No person who has been discharged by the order of a court on a habeas corpus,
 3 unless such order shall be reversed upon appeal, shall be again imprisoned, re-
 4 strained or kept in custody for the same cause, unless he be afterwards indicted
 5 or an information be filed against him for the same offense, nor unless by the
 6 legal order or process of the court wherein he is bound by recognizance to ap-
 7 pear. The following shall not be deemed to be the same cause:

8 *First*—COMMITMENT ON SUFFICIENT PROOF, ETC., AFTER DISCHARGE FOR INSUR-

9 FICIENT PROOF, ETC.] If, after a discharge for a defect of proof or any material
 10 defect in the commitment in a criminal action, the prisoner shall be again arrest-
 11 ed on sufficient proof and committed by legal process for the same offense.

12 *Second*—IMPRISONMENT UNDER LEGAL PROCESS AFTER DISCHARGE FROM IMPRIS-

13 ONMENT UNDER ILLEGAL PROCESS.] If, in a civil action, the party has been dis-
 14 charged for any illegality in the judgment or process and is afterwards impris-
 15 oned by legal process for the same cause of action.

16 *Third*—IMPRISONMENT FOR LEGAL CAUSE AFTER DISCHARGE FOR INFORMAL-

17 ITY, ETC.] Generally, whenever the discharge has been ordered on account of the
 18 non-observance of any of the forms required by law, the party may be a second
 19 time imprisoned, if the cause be legal and the form required by law observed.

Sec. 661. PRISONER REMANDED NOT TO BE DISCHARGED ON SECOND WRIT UNLESS,

2 ETC.] When any prisoner has been remanded after a hearing in a habeas corpus
 3 action, or his application for a writ of habeas corpus has been denied, no court

4 other than the supreme court shall discharge him under a second writ of habeas
 5 corpus excepting for matters occurring subsequent to the previous order remand-
 6 ing him or denying his application for such writ.

Sec. 662. ARREST OF PERSON DISCHARGED—PENALTY.] Any person who, know-
 2 ing that another has been discharged by a final order of a competent court on a
 3 habeas corpus, shall, contrary to the provisions of this act, arrest or detain him
 4 again for the same cause which was shown on the return of such writ, shall for-
 5 feit five hundred dollars (\$500) for the first offense and one thousand dollars
 6 (\$1,000) for every subsequent offense.

Sec. 663. WHEN UNLAWFUL TO REMOVE PRISONER FROM COUNTY.] To prevent
 2 any person from avoiding or delaying his trial, it shall not be lawful to remove
 3 any prisoner on habeas corpus under this act out of the county in which he is
 4 confined, except it be to convey him into the county where the offense with which
 5 he stands charged is properly cognizable: *Provided, however,* that this section
 6 shall not apply to writs of habeas corpus issued out of the supreme court.

Sec. 664. WHEN PRISONER MAY BE REMOVED—PENALTY.] Any person being
 2 committed to any prison or in the custody of any sheriff or other officer or per-
 3 son for any criminal or supposed criminal matter, shall not be removed therefrom
 4 into any other prison or custody, unless it shall be by habeas corpus or some other
 5 legal writ, or when it is expressly allowed by law. If any person shall remove or
 6 cause to be removed any prisoner so committed except as above provided he shall
 7 forfeit to the party aggrieved a sum not exceeding three hundred dollars (\$300).

Sec. 665. AVOIDANCE OF WRIT—PENALTY.] Any one having a person in his
 2 custody or under his restraint, power or control for whose relief a writ of
 3 habeas corpus is issued who, with intent to avoid the effect of such writ, shall
 4 transfer such person to the custody, or place him under the control, of another, or
 5 shall conceal him or change the place of his confinement, with intent to avoid the

6 operation of such writ or with intent to remove him out of the state, shall forfeit
 7 for every such offense one thousand dollars (\$1,000) and may be imprisoned not
 8 less than one year nor more than five years. In any prosecution for the penalty
 9 incurred under this section it shall not be necessary to show that the writ of
 10 habeas corpus had issued at the time of the removal, transfer or concealment
 11 therein mentioned, if it shall be proven that the act therein forbidden was done
 12 with the intent to avoid the operation of such writ.

Sec. 666. PECUNIARY FORFEITURE TO INURE TO WHOM.] All pecuniary for-
 2 feitures incurred under this act shall inure to the use of the party for whose ben-
 3 efit the writ of habeas corpus issued and shall be sued for and recovered with costs
 4 by the attorney general or state's attorney in the name of the state by an action
 5 at law; and the amount, when recovered, shall, without any deduction, be paid to
 6 the party entitled thereto. The recovery of the said penalties shall be no bar to
 7 a civil action for damages.

Sec. 667. HABEAS CORPUS AD TESTIFICANDUM.] The several courts having au-
 2 thority to issue writs of habeas corpus may issue the same when necessary to
 3 bring before them any prisoner to testify, or to be surrendered in discharge of
 4 bail, or for trial upon any criminal charge pending in the same court; and the
 5 writ may run into any county in the state and there be executed and returned by
 6 any officer to whom it is directed.

Sec. 668. PRISONER TO BE RETURNED WHEN.] After any such pris-
 2 oner shall have given his testimony or been surrendered or his
 3 bail discharged, or he has been tried for the crime with which he
 4 is charged, he shall be returned to the jail or place of confinement whence
 5 he was taken for the purpose aforesaid: *Provided*, that, if such prisoner is
 6 convicted of a crime punishable with death or imprisonment in the penitentiary,
 7 he may be punished accordingly; but in any case where the prisoner shall have
 8 been taken from the penitentiary and his punishment is by imprisonment, the

9 time of such imprisonment shall not commence to run until the expiration or his
10 time of service under any former sentence.

Sec. 669. DISCHARGE FROM IMPRISONMENT FOR CONTEMPT.] Any person im-
2 prisoned for any contempt of court for the non-performance of any order or de-
3 cree for the payment of money shall be entitled to a writ of habeas corpus, and,
4 if it shall appear, on full examination of such person and such witnesses and
5 other evidence as may be adduced, that he is unable to comply with such order
6 or decree or to endure the confinement and that all persons interested in the
7 order or decree have had reasonable notice of the time and place of trial, the
8 court or judge may discharge him from imprisonment; but no such discharge
9 shall operate to release the lien of such order or decree, but the same may be
10 enforced against the property of such person by execution.

Sec. 670. NO APPEAL FROM ORDER REFUSING WRIT, ETC.—NEW APPLICATION TO
2 SUPREME COURT.] No appeal shall lie from an order of any court refusing to
3 grant a writ of habeas corpus or refusing to discharge a person brought before
4 the court by such writ, or refusing to change the custody of any minor child or
5 person under guardianship or conservatorship, but any person aggrieved by any
6 such order may make a new application for a writ of habeas corpus to the su-
7 preme court, which shall proceed to hear and dispose of such application accord-
8 ing to the right and justice of the case.

Sec. 671. WHEN AND HOW ORDER OF DISCHARGE REVIEWABLE.] An order en-
2 tered in a habeas corpus action discharging any person from imprisonment or
3 restraint, or changing the custody of any minor child or person under guardian-
4 ship or conservatorship, may be reviewed upon appeal in the manner following:
5 *First*—DISCHARGE IN CRIMINAL ACTION OR QUASI CRIMINAL ACTION BROUGHT BY
6 PEOPLE.] When the person ordered discharged is imprisoned under color of any
7 criminal process issued out of any court in this state, or under color of any pro-
8 cess issued out of any court of this state in any quasi criminal action in which the

9 people of the State of Illinois are plaintiffs, such appeal may be taken by the at-
 10 torney general or by the state's attorney of the county in which the action is
 11 brought.

Second—DISCHARGE IN QUASI CRIMINAL ACTION BROUGHT BY MUNICIPAL CORPORA-
 2 TION.] When the person ordered discharged from imprisonment is imprisoned
 3 under process issued out of any court of this state in any quasi criminal action
 4 in which any municipal corporation of this state is plaintiff, such appeal may
 5 be taken by such municipal corporation.

Third—DISCHARGE IN CIVIL AND OTHER ACTIONS.] When the person discharged
 2 from imprisonment is imprisoned under process issued out of any court of this
 3 state in any civil action, or in any quasi criminal action other than one of the
 4 class mentioned in the preceding clauses of this section, such appeal may be taken
 5 by the plaintiff in such action or by the party to such action in whose favor such
 6 process has issued.

Fourth—ORDER AS TO CUSTODY OF CHILD.] When the order proposed to be
 2 appealed from affects the custody of a minor child, or of a person under guard-
 3 ianship or conservatorship, such appeal may be taken by any party to the action
 4 of habeas corpus who may feel himself aggrieved by such order.

Sec. 672. PROCEDURE UPON APPEAL.] When any such appeal is taken by the
 2 attorney general, state's attorney or a municipal corporation and the person or-
 3 dered discharged is imprisoned under color of process issued out of any court of
 4 this state in a criminal action such person shall be remanded to the custody of the
 5 proper officer pending the determination of such appeal: *Provided, however,*
 6 that the court shall have power to admit such person to bail pending such appeal
 7 and, in case of a person imprisoned for an offense not punishable by death or
 8 confinement in the penitentiary, the court may, in its discretion, release such
 9 person pending such appeal upon his own recognizance, and, *provided farther,*
 10 that when the person ordered discharged is imprisoned in any penitentiary of this
 11 state, or in any work-house in any county of this state, he shall not be required

12 to perform any labor in such penitentiary or work-house pending the determina-
13 tion of such appeal. When the person ordered to be discharged from imprison-
14 ment is imprisoned under any process issued out of any court of this state in any
15 action other than a criminal action, such person shall be released from his im-
16 prisonment upon his own recognizance pending the determination of such ap-
17 peal. When the appeal is from an order in relation to the custody of any minor
18 child, or of any person under guardianship or conservatorship, the court shall
19 make such order in the premises as, in its judgment, may be necessary to secure
20 the custody of such minor child or other person for the future action of the court
21 in case the order shall be reversed by the supreme court.

Sec. 673. WHEN APPEAL TO BE PERFECTED.] No such appeal shall be allowed
2 unless the same is perfected by the filing of the notice of the appeal and the mak-
3 ing of the deposit hereinafter provided for in a case of an appeal within twenty-
4 four (24) hours after the entering of the order appealed from: *Provided, how-*
5 *ever,* that no deposit shall be required of the attorney general, the state's attor-
6 ney, or any municipal corporation.

Sec. 674. APPEALS TO TAKE PRECEDENCE.] Appeals in habeas corpus actions
2 shall take precedence over all other cases in the supreme court and shall be de-
3 termined as speedily and with as little delay as may be consistent with full and
4 fair hearings and determinations thereof upon their merits.

DIVISION XXXV.

RECOGNIZANCES.

SECTION

675. How recognizance taken.
 676. Recognizance to be signed when.
 677. Recognizance in writing to be entitled, etc.
 678. Forms of recognizances in writing.
 679. Recital of recognizance in open court—forms.
 680. Recognizance in writing in examination proceeding for appearance in court of record.
 681. Recognizance to be deemed voluntary—mistakes to be corrected.

SECTION

682. Forfeiture—summons.
 683. Method of keeping record when recognizances are forfeited.
 684. Forms of summons.
 685. Preparation and service of summons—return.
 686. Judgment by default—forms.
 687. Trial—setting aside forfeiture.
 688. Neglects or omissions not to bar action when.
 689. Act of God to discharge sureties.

Sec. 675. HOW RECOGNIZANCE TAKEN.] Every recognizance in a criminal action shall be taken to the People of the State of Illinois and every recognizance in a quasi criminal action for a violation of a municipal ordinance shall be taken in the name of the municipal corporation which is the plaintiff in the action. Every other recognizance not included in the foregoing shall be taken to such party as may be expressly directed by this act, or, in case of no express direction in this act, then to the People of the State of Illinois.

Sec. 676. RECOGNIZANCE TO BE SIGNED WHEN.] Every recognizance, when not taken in a court of record and recited orally in open court as hereinafter provided, shall be signed by the person or persons entering into the same and approved and certified by the officer taking the same. Any judge or clerk of a court of record, master in chancery, justice of the peace, sheriff, coroner, constable, bailiff of a municipal court, or police officer, shall have power to take, approve and certify recognizances.

Sec. 677. RECOGNIZANCE IN WRITING TO BE ENTITLED, ETC.] Every recognizance in writing taken in any action or proceeding in any court of record, or be-

fore any justice of the peace, shall specify the court in which the action is pending or has been determined, and the title, classification and number thereof, and a minute of the taking and filing of the same shall be entered in the register and minute book of the court of record, or the docket of the justice of the peace, as the case may be, with the other entries in such action or proceeding.

Sec. 678. FORMS OF RECOGNIZANCES IN WRITING.] The following forms of recognizances in writing, together with the approvals and certificates of the judges, justices of the peace or other officers taking the same, shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances may be properly framed:

1. RECOGNIZANCE IN A CRIMINAL ACTION PENDING IN A COURT OF RECORD.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

8	The People of the State	}	Criminal. No. 25.
9	of Illinois		
10	v. Richard Roe.		

RECOGNIZANCE.

This day personally appeared before the undersigned, one of the judges of the circuit court of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000) to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the criminal court of Cook county, at the criminal court building in Chicago in said county, from day to day hereafter until the final sentence or order of said court in the above entitled criminal action therein pending against him, and abide the order of the said court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and effect.

27 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
28 1908.

29 RICHARD ROE [SEAL.]

30 .. THOMAS JONES [SEAL.]

31 WILLIAM SMITH [SEAL.]

32 Taken, acknowledged and entered into before me this 10th day of February,
33 1908.

34 JOHN JONES, *Judge.*

35 2. RECOGNIZANCE IN A CRIMINAL ACTION PENDING BEFORE A JUSTICE OF THE
36 PEACE OR POLICE MAGISTRATE.

37 BEFORE GEORGE THOMAS, ESQ., A JUSTICE OF THE PEACE OF COOK COUNTY, ILLINOIS.

38 The People of the State
39 of Illinois } Criminal. No. 27.
v.
40 Richard Roe.

41

RECOGNIZANCE.

42 This day personally appeared before the undersigned, a justice of the peace
43 of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and
44 William Smith, as sureties, and jointly and severally acknowledged themselves
45 to owe and to be indebted unto the People of the State of Illinois in the penal
46 sum of one thousand dollars (\$1,000) to be levied of their goods and chattels,
47 lands and tenements, respectively, in such manner as the law directs.

48 The condition of this recognizance is such that if the above bounden Rich-
49 ard Roe shall personally be and appear before the undersigned, a justice of
50 the peace of Cook county, Illinois, at his office in the city of Evanston, in said
51 Cook county, at ten o'clock A. M. on the 18th day of February, 1908, and from
52 time to time thereafter to which the trial or hearing may be postponed, until the
53 final sentence or order of said justice of the peace in the above entitled criminal
54 action pending before him against said Richard Roe, and abide the order of the
55 said justice of the peace in all things, then this recognizance is to be void;
56 otherwise the same is to be and remain in full force and effect.

57 Witness our hands and seals **at Evanston, Illinois, this 10th day of February,**
58 1908.

59 RICHARD ROE [SEAL.]

60

THOMAS JONES [SEAL.]

61 WILLIAM SMITH [SEAL.]

62 Taken, acknowledged and entered into before me this 10th day of February,
63 1908.

64 GEORGE THOMAS, *J. P.*

65 3. RECOGNIZANCE ON A COMMITMENT AFTER EXAMINATION BY A JUSTICE OF THE
66 PEACE TO A COURT OF RECORD FOR A CRIMINAL OFFENSE.

67 BEFORE GEORGE THOMAS, ESQ., A JUSTICE OF THE PEACE OF COOK COUNTY, ILLINOIS.

68 The People of the State
69 of Illinois

} Examination. No. 27.

70 v.
71 Richard Roe.

71 RECOGNIZANCE.

72 This day personally appeared before the undersigned, a justice of the peace
73 of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and
74 William Smith, as sureties, and jointly and severally acknowledged themselves
75 to owe and to be indebted unto the People of the State of Illinois in the penal
76 sum of one thousand dollars (\$1,000) to be levied of their goods and chattels,
77 lands and tenements, respectively, in such manner as the law directs.

78 The condition of this recognizance is such that if the above bounden Rich-
79 ard Roe shall personally be and appear before the criminal court of Cook coun-
80 ty, Illinois, at the criminal court building in Chicago, in said county, on the first
81 Monday of March, 1908, at the opening of court on that day and from day to
82 day thereafter until the final sentence or order of the court to answer for the
83 offense of larceny and shall abide the order of said criminal court in all things
84 and not depart the same without leave, then this recognizance is to be void;
85 otherwise the same is to be and remain in full force and virtue.

86 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
87 1908.

88 RICHARD ROE [SEAL.]

89 THOMAS JONES [SEAL.]

90 WILLIAM SMITH [SEAL.]

91 Taken, acknowledged and entered into before me this 10th day of February,
92 1908.

93 GEORGE THOMAS, *J. P.*

94 4. RECOGNIZANCE OF WITNESS TAKEN BEFORE JUSTICE OF THE PEACE FOR AP-
 95 PEARANCE BEFORE COURT OF RECORD.

96 BEFORE GEORGE THOMAS, ESQ., A JUSTICE OF THE PEACE OF COOK COUNTY, ILLINOIS.

97 The People of the State	}	Examination. No. 27.
98 of Illinois		
99 v. Richard Roe.		

100 RECOGNIZANCE.

101 This day personally appeared before the undersigned, a justice of the peace
 102 of Cook County, Illinois, William Doe and acknowledged himself to owe and to
 103 be indebted unto the People of the State of Illinois in the penal sum of one
 104 hundred dollars (\$100) to be levied of his goods and chattels, lands and tene-
 105 ments, respectively, in such manner as the law directs.

106 The condition of this recognizance is such that if the above bounden Wil-
 107 liam Doe shall personally be and appear before the criminal court of Cook coun-
 108 ty, Illinois, at the criminal court building in Chicago, in said county, on the first
 109 Monday of March, 1908, at the opening of court on that day and from day to
 110 day thereafter to testify in the case of the People of the State of Illinois against
 111 Richard Roe, charged with the offense of larceny, and not depart the same
 112 without leave, then this recognizance is to be void; otherwise the same is to be
 113 and remain in full force and virtue.

114 Witness my hand and seal at Chicago, Illinois, this 10th day of February,
 115 1908.

116 WILLIAM DOE. [SEAL.]

117 Taken, acknowledged and entered into before me this 10th day of February,
 118 1908.

119 GEORGE THOMAS, J. P.

120 5. RECOGNIZANCE TO KEEP THE PEACE.

121 BEFORE GEORGE THOMAS, ESQ., A JUSTICE OF THE PEACE OF COOK COUNTY, ILLINOIS.

122 The People of the State	}	Peace Proceeding. No. 30.
123 of Illinois		
124 v. Richard Roe.		

125 RECOGNIZANCE.

126 This day personally appeared before the undersigned, a justice of the peace
 127 of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and

128 William Smith, as sureties, and jointly and severally acknowledged themselves
 129 to owe and to be indebted unto the People of the State of Illinois in the penal
 130 sum of five hundred dollars (\$500) to be levied of their goods and chattels,
 131 lands and tenements, respectively, in such manner as the law directs.

132 The condition of this recognizance is such that if the above bounden Rich-
 133 ard Roe shall keep the peace towards all the People of this State and especially
 134 towards John Doe, of said Cook county, for six months from the 10th day of
 135 February, 1908, then this recognizance is to be void; otherwise the same is to
 136 be and remain in full force and virtue.

137 Witness our hands and seals at Evanston, Illinois, this 10th day of February,
 138 1908.

139 RICHARD ROE [SEAL.]

140 WILLIAM SMITH [SEAL.]

141 THOMAS JONES [SEAL.]

142 Taken, acknowledged and entered into before me this 10th day of February,
 143 1908.

144 GEORGE THOMAS, *J. P.*

145 6. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN CRIMINAL ACTION AFTER
 146 SUING OUT WRIT OF ERROR.

147 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

148 The People of the State	} Criminal. No. 25.
149 of Illinois	
v.	
150 Richard Roe.	

151 RECOGNIZANCE.

152 This day personally appeared before the undersigned, one of the judges of
 153 the circuit court of Cook county, Illinois, Richard Roe, as principal, and Thomas
 154 Jones and William Smith, as sureties, and jointly and severally acknowledged
 155 themselves to owe and to be indebted unto the People of the State of Illinois
 156 in the penal sum of one thousand dollars (\$1,000) to be levied of their goods
 157 and chattels, lands and tenements, respectively, in such manner as the law di-
 158 rects.

159 The condition of this recognizance is such that, whereas the said Richard
 160 Roe was, on the 10th day of February, 1908, in the above entitled action, by the
 161 judgment of the criminal court of Cook county, Illinois, sentenced to imprison-
 162 ment in the penitentiary, to review which said judgment said Richard Roe has

163 sued out a writ of error from the supreme court of Illinois, and the said Rich-
 164 ard Roe in pursuance of law is about to be admitted to bail by said criminal court
 165 of Cook county pending the determination of said writ of error:

166 Now, therefore, if the said Richard Roe shall appear before said criminal
 167 court of Cook county on the first Monday of March, 1908, and from day to day
 168 thereafter until the determination of said writ of error and will not at any
 169 time depart the said criminal court without leave and, in case the said judgment
 170 and sentence of said criminal court of Cook county shall be affirmed or the writ
 171 of error dismissed or the judgment reversed and the action remanded by said
 172 supreme court, he shall and will surrender himself to the sheriff of Cook county,
 173 Illinois, from whose custody he is bailed, within ten (10) days after a certified
 174 copy of such judgment of affirmance or dismissal or reversal and remandment
 175 shall have been filed in said criminal court, then this recognizance is to be void;
 176 otherwise the same is to be and remain in full force and virtue.

177 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
 178 1908.

179 RICHARD ROE [SEAL.]

180 THOMAS JONES [SEAL.]

181 WILLIAM SMITH [SEAL.]

182 Taken, acknowledged and entered into before me this 10th day of February,
 183 1908.

184 JOHN JONES, *Judge*.

185 7. RECOGNIZANCE IN A QUASI CRIMINAL ACTION FOR THE VIOLATION OF AN OR-
 186 DINANCE OF A MUNICIPAL CORPORATION PENDING IN A COURT OF RECORD.

187 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

188 The City of Chicago }
 189 v. } Quasi Criminal. No. 50.
 189 Richard Roe. }

190 RECOGNIZANCE.

191 This day personally appeared before the undersigned, one of the judges of
 192 the circuit court of Cook county, Illinois, Richard Roe, as principal, and
 193 Thomas Jones and William Smith, as sureties, and jointly and severally ac-
 194 knowledged themselves to owe and to be indebted unto the City of Chicago in
 195 the penal sum of one thousand dollars (\$1,000) to be levied of their goods and
 196 chattels, lands and tenements, respectively, in such manner as the law directs.
 197 The condition of this recognizance is such that if the above bounden Rich-

198 and Roe shall personally be and appear before the criminal court of Cook coun-
199 ty, at the criminal court building in Chicago, in said county, from day to day
200 hereafter until the final judgment or order of said court in the above entitled
201 quasi criminal action therein pending against him, and abide the order of the
202 said court in all things and not depart the same without leave, then this recog-
203 nizance is to be void; otherwise the same is to be and remain in full force and
204 virtue.

205 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
206 1908.

207

RICHARD ROE [SEAL.]

208 THOMAS JONES [SEAL.]

209 WILLIAM SMITH [SEAL.]

210 Taken, acknowledged and entered into before me this 10th day of February,
211 1908.

212 JOHN JONES, *Judge*.

Sec. 679. RECITAL OF RECOGNIZANCE IN OPEN COURT—FORMS.] Every recogni-

2 zance when taken in a court of record in open court may be recited to the prin-
3 cipal and sureties by the judge, the clerk, or any other person under the direc-
4 tion of the judge, and when so recited shall be entered in an abbreviated form
5 in the register and minute book hereinafter provided for, with the date of the re-
6 cital thereof and the name of the presiding judge, and a draft of such entry may,
7 if the court shall so direct, be written out in full, signed by the judge and filed
8 with the papers in the action constituting a part of the record thereof. The fol-
9 lowing forms of recitals of recognizances, abbreviated forms of entries thereof
10 in the register and minute book, and drafts of such entries written out in full and
11 signed by the presiding judge, shall be deemed sufficient and shall be taken as
12 furnishing suggestions from which other recitals, abbreviated entries and drafts
13 thereof written out in full may be properly framed.

14 1. RECOGNIZANCE IN A CRIMINAL ACTION PENDING IN A COURT OF RECORD.

15 RECITAL.

16 You, Richard Roe, as principal, and Thomas Jones and William Smith, as
17 sureties, do jointly and severally acknowledge yourselves to owe and to be in-

18 debted unto the People of the State of Illinois in the penal sum of one thousand
 19 dollars (\$1,000), to be levied of your goods and chattels, lands and tenements, re-
 20 spectively, in such manner as the law directs, this recognizance, however, to be
 21 void on the condition that you, the said Richard Roe, shall personally be and
 22 appear before the criminal court of Cook county, Illinois, at the criminal court
 23 building in Chicago, in said county, from day to day hereafter until the final
 24 sentence or order of said court in a criminal action pending against you, the
 25 said Richard Roe, being the case of the People of the State of Illinois v. Richard
 26 Roe, Criminal, No. 25, and shall abide the order of said court in all things and
 27 not depart the same without leave; otherwise the same is to be and remain in
 28 full force and virtue.

29 ABBREVIATION.

30 Deft with Thomas Jones and William Smith recog \$1,000 for app deft day to
 31 day, etc.

32 FORM OF ENTRY WRITTEN OUT IN FULL.

33 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

34 The People of the 35 State of Illinois 36 v. Richard Roe.	}	Criminal. No. 25. February 10, 1908. Before Hon. John Jones, Judge.
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37 This day Richard Roe, as principal, and Thomas Jones and William Smith,
 38 as sureties, in open court jointly and severally acknowledged themselves to owe
 39 and to be indebted unto the People of the State of Illinois in the penal sum of one
 40 thousand dollars (\$1,000), to be levied of their goods and chattels, lands and
 41 tenements, respectively, in such manner as the law directs, their recognizance,
 42 however, to be void on condition that the said Richard Roe shall personally be
 43 and appear before the criminal court of Cook county, Illinois, at the criminal
 44 court building in Chicago, in said county, from day to day hereafter until the final
 45 sentence or order of said court in the above entitled criminal action therein
 46 pending against him, the said Richard Roe, and shall abide the order of said
 47 court in all things and not depart the same without leave; otherwise to be and
 48 remain in full force and virtue.

49 2. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN CRIMINAL ACTION AFTER
 50 SUING OUT WRIT OF ERROR.

51 RECITAL.

52 You, Richard Roe, as principal, and Thomas Jones and William Smith, as
 53 sureties, do jointly and severally acknowledge yourselves to owe and to be in-

54 debted unto the People of the State of Illinois in the penal sum of one thousand
 55 dollars (\$1,000), to be levied of your goods and chattels, lands and tenements,
 56 respectively, in such manner as the law directs.

57 The condition of this recognizance is such that whereas you, the said Rich-
 58 ard Roe, were, on the 10th day of February, 1908, in the action of the People of
 59 the State of Illinois vs. Richard Roe, Criminal, No. 25, by the judgment of the
 60 criminal court of Cook county, Illinois, sentenced to imprisonment in the peniten-
 61 tiary, to review which said judgment you, the said Richard Roe, have sued out a
 62 writ of error from the supreme court of Illinois, and in pursuance of law are
 63 about to be admitted to bail by said criminal court of Cook county, pending the
 64 determination of such writ of error:

65 Now, therefore, if you, the said Richard Roe, shall personally be and appear
 66 before said criminal court of Cook county on the first Monday of March, 1908,
 67 and from day to day thereafter until the final determination of said writ of error
 68 and will not at any time depart the said criminal court without leave, and, in
 69 case the said judgment and sentence of said criminal court of Cook county shall
 70 be affirmed or the writ of error dismissed or the judgment reversed and the action
 71 remanded by said supreme court, you shall and will surrender yourself to the
 72 sheriff of Cook county, Illinois, from whose custody you are bailed, within ten
 73 (10) days after a certified copy of such judgment of affirmance or dismissal or
 74 reversal and remandment shall have been filed in said criminal court, then this
 75 recognizance is to be void; otherwise the same is to be and remain in full force
 76 and virtue.

77 ABBREVIATED FORM.

78 Deft with Thomas Jones & William Smith recog \$1,000 for app deft 1st
 79 Mond. Mch. 1908, & day to day pending wr er sup ct to review judg of Feb. 10,
 80 1908, and for surrender to shrf 10 days, &c.

81 FORM OF ENTRY WRITTEN OUT IN FULL.

82 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

83	The People of the	}	Criminal. No. 25. February 10, 1908. Before Hon. John Jones, Judge.
84	State of Illinois		
	v.		
85	Richard Roe.		

86 This day Richard Roe, as principal, and Thomas Jones and William Smith,
 87 as sureties, in open court jointly and severally acknowledge themselves to owe
 88 and to be indebted unto the People of the State of Illinois in the penal sum of

89 one thousand dollars (\$1,000), to be levied of their goods and chattels, lands and
 90 tenements, respectively, in such manner as the law directs, their recognizance,
 91 however, to be void on condition that the said Richard Roe shall personally be
 92 and appear before the criminal court of Cook county, Illinois, on the first Mon-
 93 day of March, 1908, and from day to day thereafter until the final determination
 94 of the writ of error prosecuted by said Richard Roe from the supreme court
 95 of Illinois to review the judgment entered on the 10th day of February, 1908, by
 96 the criminal court of Cook county in the above entitled action sentencing said
 97 Richard Roe to imprisonment in the penitentiary, and will not at any time de-
 98 part the said criminal court without leave and, in case the said judgment and
 99 sentence of said criminal court of Cook county shall be affirmed or the writ of
 100 error dismissed or the judgment reversed and the action remanded by said su-
 101 preme court, he shall and will surrender himself to the sheriff of Cook county,
 102 Illinois, from whose custody he is bailed, within ten (10) days after a certified
 103 copy of such judgment of affirmance or dismissal or reversal and remandment
 104 shall have been filed in said criminal court; otherwise to be and remain in full
 105 force and virtue.

106 3. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN A QUASI CRIMINAL ACTION
 107 PENDING IN A COURT OF RECORD.

108 RECITAL.

109 You, Richard Roe, as principal and Thomas Jones, as surety, do jointly and
 110 severally acknowledge yourselves to owe and to be indebted unto the City of
 111 Chicago in the penal sum of one hundred dollars (\$100), to be levied of your
 112 goods and chattels, lands and tenements, respectively, in such manner as the
 113 law directs, this recognizance, however, to be void on condition that you, the said
 114 Richard Roe, shall personally be and appear before the criminal court of Cook
 115 county, at the criminal court building in Chicago, in said county, from day to day
 116 hereafter until the final judgment or order of said court in a quasi criminal ac-
 117 tion therein pending against you, and abide the order of said court in all things
 118 and not depart the same without leave; otherwise the same to be and remain in
 119 full force and effect.

120

ABBREVIATION.

121

Deft with Thomas Jones recog \$100 for app deft day to day, &c.

122

FORM OF ENTRY WRITTEN OUT IN FULL.

123

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

124

The City of Chicago

Quasi Criminal. No. 50.

v.

February 10, 1908.

125

Richard Roe.

Before Hon. John Jones, Judge.

126

This day Richard Roe, as principal, and Thomas Jones, as surety, in open court jointly and severally acknowledge themselves to owe and to be indebted unto the City of Chicago in the penal sum of one hundred dollars (\$100), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs, their recognizance, however, to be void on condition that the said Richard Roe shall personally be and appear before the criminal court of Cook county, at the criminal court building in Chicago, in said county, from day to day hereafter until the final judgment or order of said court in the above entitled quasi criminal action therein pending against him, and abide the order of said court in all things and not depart the same without leave; otherwise the same to be and remain in full force and virtue.

137

4. RECOGNIZANCE OF DEFENDANT ADMITTED TO BAIL IN A QUASI CRIMINAL ACTION

138

AFTER FILING NOTICE OF APPEAL.

139

RECITAL

140

You, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, do jointly and severally acknowledge yourselves to owe and to be indebted unto the City of Chicago in the penal sum of five hundred dollars (\$500), to be levied of your goods and chattels, lands and tenements, respectively, in such manner as the law directs.

145

The condition of this recognizance is such that whereas you, the said Richard Roe, were, on the 10th day of February, 1908, in the case of the City of Chicago vs. Richard Roe, Quasi Criminal, No. 25, by the judgment of the criminal court of Cook county, Illinois, adjudged to pay to the City of Chicago a fine of five hundred dollars (\$500), to review which said judgment you, the said Richard Roe, have filed in the office of the clerk of said criminal court of Cook county a notice of an appeal to the appellate court of the first district of Illinois and are about to be admitted to bail by said criminal court of Cook county pending the determination of said appeal:

154 Now, therefore, if you, the said Richard Roe, shall personally be and appear
 155 before said criminal court of Cook county on the first Monday of March, 1908,
 156 and from day to day thereafter until the final determination of such appeal and
 157 will not at any time depart the said criminal court without leave, and, in case
 158 the said judgment of said criminal court of Cook county shall be affirmed or said
 159 appeal dismissed or the judgment reversed and the action remanded by said ap-
 160 pellate court, you shall and will surrender yourself to the sheriff of Cook county,
 161 Illinois, from whose custody you are bailed, within ten (10) days after a certi-
 162 fied copy of such judgment of affirmance or dismissal or reversal and remand-
 163 ment shall have been filed in said criminal court, then this recognizance is to be
 164 void; otherwise the same is to be and remain in full force and virtue.

165 ABBREVIATION.

166 Deft with Thomas Jones & William Smith recog \$500 for app deft 1st Mon-
 167 day Mch, 1908, & day to day pending appl to applt ct to review judg of Feb. 10,
 168 1908, & for surrender to shrf 10 days, &c.

169 FORM OF ENTRY WRITTEN OUT IN FULL.

170 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

171 The City of Chicago	} Quasi Criminal. No. 50.
172 v.	
172 Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

173 This day Richard Roe, as principal, and Thomas Jones and William Smith,
 174 as sureties, in open court jointly and severally acknowledge themselves to owe
 175 and to be indebted unto the City of Chicago in the penal sum of five hundred
 176 dollars (\$500), to be levied of their goods and chattels, lands and tenements, re-
 177 spectively, in such manner as the law directs, their recognizance, however, to be
 178 void on condition that the said Richard Roe shall personally be and appear be-
 179 fore said criminal court of Cook county on the first Monday of March, 1908, and
 180 from day to day thereafter until the final determination of the appeal prosecuted
 181 by said Richard Roe to the appellate court of the first district to review the judg-
 182 ment entered on the 10th day of February, 1908, by the criminal court of Cook
 183 county in the above entitled action, by which said Richard Roe was adjudged to
 184 pay a fine of five hundred dollars (\$500), and will not at any time depart
 185 the said criminal court without leave, and, in case the said judgment of said
 186 criminal court of Cook county shall be affirmed or said appeal dismissed or
 187 judgment reversed and the action remanded by said appellate court, he shall and
 188 will surrender himself to the sheriff of Cook county, from whose custody he is
 189 bailed, within ten (10) days after a certified copy of such judgment of affirm-

190 ance or dismissal or reversal and remandment shall have been filed in said
 191 criminal court; otherwise to be and remain in full force and virtue.

Sec. 680. **RECOGNIZANCE IN WRITING IN EXAMINATION PROCEEDING FOR APPEAR-**
 2 **ANCE IN COURT OF RECORD.]** Every recognizance in writing taken before any jus-
 3 tice of the peace, or other officer, for the appearance of any person before a
 4 court of record to answer to any criminal charge or to testify as a witness, shall
 5 be forthwith delivered by the justice of the peace or other officer taking the same
 6 to the clerk of such court of record, who shall note thereon the date of the re-
 7 ceipt thereof, and, upon the filing in such court of an information based upon
 8 such criminal charge, shall file such recognizance with the papers in such crim-
 9 inal action and shall note the filing thereof in the register and minute book with
 10 the other entries pertaining to such action.

Sec. 681. **RECOGNIZANCE TO BE DEEMED VOLUNTARY—MISTAKES TO BE CORRECT-**
 2 **ED.]** Every recognizance taken or attempted to be taken in any criminal or
 3 quasi criminal action in pursuance of law shall, by all the courts in this state,
 4 be held and adjudged to have been entered into voluntarily and shall not be set
 5 aside or adjudged insufficient for want of form either in the recognizance or in
 6 the certificate of the officer taking the same. Every person entering into a rec-
 7 ognizance in any such action shall be presumed to know the penalty and terms of
 8 of the recognizance required by law and the order of the court in such action,
 9 and any mistake in such recognizance whereby the same varies from the recogni-
 10 zance required by law, or by the order of the court, may be corrected and such
 11 recognizance as corrected may be enforced against the parties entering into the
 12 same.

Sec. 682. **FORFEITURE—SUMMONS.]** When any person shall enter into a
 2 recognizance for his appearance before any court of record and such person does
 3 not appear in accordance with the conditions of the recognizance, or when any per-
 4 son shall enter into a recognizance for his surrender to any officer upon the de-

5 termination of any writ of error or appeal by the dismissal of the same, or the
 6 affirmance of any judgment, or the reversal of the judgment and the remand-
 7 ment of the action, and the filing in the proper court of the certified copy
 8 of the judgment of affirmance, dismissal or reversal and remandment and the
 9 lapse of the time thereafter within which he is required to surrender himself, and
 10 it is made to appear to the court by the affidavit of such officer or otherwise that
 11 such person has failed to surrender himself in accordance with the conditions,
 12 or any of them, of such recognizance, or when any person shall enter into a
 13 recognizance for his appearance before a justice of the peace and it shall be made
 14 to appear to the court of record, from the transcript of the proceedings before
 15 the justice of the peace, that such person has failed to appear in accordance with
 16 the conditions, or any of them, of such recognizance, or when any other recogni-
 17 zance shall be entered into and it shall be made to appear to the court of record
 18 that the person entering into the same has not complied with the conditions
 19 thereof, the court shall declare such recognizance forfeited and the clerk of the
 20 court shall thereupon issue a summons to such person and his sureties requiring
 21 their appearance before the court on the next Monday following the date of such
 22 summons: *Provided, however,* that if the date of said summons is less than five
 23 days prior to such succeeding Monday such summons shall require the appear-
 24 ance of the defendant on the second Monday after the date thereof.

Sec. 683. METHOD OF KEEPING RECORD WHEN RECOGNIZANCES ARE FORFEITED.]

2 The method of keeping the records of courts of record in actions on recogni-
 3 zances shall be as follows:

4 *First*—ACTION TO BE ENTERED IN REGISTER AND MINUTE BOOK.] Every such
 5 action shall be entered in the proper register and minute book in the names of
 6 the cognizee, as plaintiff, and of the cognizers, as defendants, and classified and
 7 numbered in accordance with the provisions of this act.

8 *Second*—TRANSFER OF ENTRIES, ETC.] If the recognizance shall have been
9 taken and filed in any action pending or determined in the court, or shall have
10 been entered into orally in such action, a minute, in an abbreviated form, of the
11 forfeiture of such recognizance shall be entered in the register and minute book
12 with the other entries in such action, and such minute, as well as the minute of
13 the filing or entering into of such recognizance, shall be transferred to and be-
14 come a part of the minutes of the action on the recognizance in the register and
15 minute book, and there shall also be entered, as a part of the minutes of the re-
16 spective actions, memoranda showing the action from which and the action to
17 which such transfers have been made, giving the numbers of the respective actions
18 and such other particulars as will identify the same, and, if a recognizance in
19 writing shall have been entered into, the same shall thereupon become a part of
20 the record of the action on the recognizance.

21 *Third*—ENTRIES IN OTHER CASES.] When the recognizance shall not have
22 been taken or entered into in any action pending in such court of record, the
23 same shall be filed as a part of the record in the action on the recognizance and a
24 minute of such filing shall be entered in the register and minute book as a part
25 of the minutes of such action.

Sec. 684. FORMS OF SUMMONS.] The following forms of summonses herein-
2 before provided for shall be deemed sufficient and shall be taken as furnishing
3 suggestions from which other summonses may be properly framed:

1. SUMMONS TO DEFENDANTS AFTER FORFEITURE OF RECOGNIZANCE IN THE
CRIMINAL COURT OF COOK COUNTY, ILLINOIS, IN CRIMINAL ACTION.

6 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

7	The People of the	} Recognizance. No. 20.
8	State of Illinois	
	v.	
9	Richard Roe et al.	

10 SUMMONS.

11 The People of the State of Illinois—GREETING to Richard Roe, Thomas Jones
12 and William Smith;

13 You are hereby commanded to appear in person or by attorney before the
 14 criminal court of Cook county, Illinois, at the criminal court building in Chi-
 15 cago, in said county, on Monday, the 18th day of March, 1908, to answer to the
 16 above entitled action on a recognizance for the recovery of the sum of one thous-
 17 and dollars (\$1,000) brought against you in said court by the People of the State
 18 of Illinois, which recognizance has been forfeited in said court.

19 Witness John Smith, clerk of said criminal court and the seal thereof at
 20 Chicago, Illinois, this 10th day of March, 1908.

21 JOHN SMITH, *Clerk.*

22 2. SUMMONS TO DEFENDANTS AFTER FORFEITURE OF RECOGNIZANCE IN THE CRIM-
 23 INAL COURT OF COOK COUNTY, ILLINOIS, IN QUASI-CRIMINAL ACTION.

24 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

25 The City of Chicago }
 v. } Recognizance. No. 50.
 26 Richard Roe et al. }

27 SUMMONS.

28 The People of the State of Illinois—GREETING to Richard Roe, Thomas Jones
 29 and William Smith:

30 You are hereby commanded to appear in person or by attorney before the
 31 criminal court of Cook county, Illinois, at the criminal court building in Chi-
 32 cago, in said county, on Monday, the 18th day of March, 1908, to answer to the
 33 above entitled action on a recognizance for the recovery of the sum of one thous-
 34 and dollars (\$1,000) brought against you in said court by the City of Chicago,
 35 which recognizance has been forfeited in said court.

36 Witness John Smith, clerk of said criminal court and the seal thereof at
 37 Chicago, Illinois, this 10th day of March, 1908.

38 JOHN SMITH, *Clerk.*

Sec. 685. PREPARATION AND SERVICE OF SUMMONS—RETURN.] Every such
 2 summons shall be prepared and served in the manner in this act provided for
 3 the preparation and service of the summons in an action at law for the recovery
 4 of money, excepting that such summons and the copies thereof to be delivered
 5 to the defendant or other person to whom such delivery is authorized to be made
 6 by this act for the purpose of service upon the defendant, shall be prepared by
 6 the clerk, and to each copy of the summons thus prepared there shall be attached

8 by the clerk copies, first, of the recognizances, if the same be in writing, or of
 9 the record entry thereof, if the same be one taken and recited in open court, and,
 10 second, of the record entry of the forfeiture thereof. Every such summons
 11 may be served by any officer authorized by this act to serve a summons in an
 12 action at law for the recovery of money. In case any defendant cannot be found
 13 by the officer he shall make return of that fact to the court.

Sec. 686. JUDGMENT BY DEFAULT—FORMS.] In case the defendants shall
 2 have been served with the summons and shall not enter their appearances on or
 3 before the Thursday succeeding the day specified in this act for such appear-
 4 ance, or, in case the defendants shall have been notified by publication of notice
 5 and shall not enter their appearances on or before the day specified in such no-
 6 tice for such appearance, the court shall enter judgment against them by default
 7 for the amount of the recognizance. The following forms of judgments by de-
 8 fault, together with the abbreviated forms thereof hereinafter provided for,
 9 shall be deemed sufficient and shall be taken as furnishing suggestions from
 10 which other forms of judgments by default may be properly framed:

11 1. JUDGMENT BY DEFAULT ON RECOGNIZANCE IN A CRIMINAL ACTION.

12 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

13	The People of the	}	Recognizance. No. 25. March 25, 1908. Before Hon. John Jones, Judge.
14	State of Illinois		
	v.		
15	Richard Roe et al.		

16 This day the court, having jurisdiction of the subject matter of this action
 17 and of the persons of the defendants herein by service of summons, it is consid-
 18 ered by the court, in accordance with the default heretofore entered against the
 19 defendants, that the People of the State of Illinois have and recover of the
 20 said defendants, Richard Ree, Thomas Jones and William Smith, the sum of
 21 five hundred dollars (\$500), together with the costs of the action.

22 ABBREVIATION.

23 Deft judg for plff v defts \$500 & costs on pers serv.

2. JUDGMENT BY DEFAULT ON RECOGNIZANCE IN A QUASI CRIMINAL ACTION.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The City of Chicago } Recognizance. No. 25.
 v. } March 25, 1908.
 Richard Roe et al. } Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the persons of the defendants herein by service of summons, it is considered by the court, in accordance with the default heretofore entered against the defendants, that the City of Chicago have and recover of the said defendants, Richard Roe, Thomas Jones and William Smith, the sum of five hundred dollars (\$500), together with the costs of the action.

ABBREVIATION.

Deft judg for plff v defts \$500 & costs on pers serv.

Sec. 687. TRIAL—SETTING ASIDE FORFEITURE.] If the defendant shall ap-

pear and interpose a defense the action shall be tried in the same manner as other actions of a like nature. After any such recognizance shall be declared forfeited as aforesaid and before judgment the court may, in its discretion, set aside such forfeiture upon the principal in the recognizance being brought or coming into open court and showing to the court by affidavit that he was unable to appear in court or surrender himself to the proper officer, as the case may be, according to the terms of the recognizance by reason of sickness or some other cause which shall satisfy the court that such principal has not been guilty of any laches or negligence: *Provided*, that no such forfeiture of a recognizance shall be set aside until the principal in such recognizance shall pay the costs of the action.

Sec. 688. NEGLECTS OR OMISSIONS NOT TO BAR ACTION WHEN.] No action on

a recognizance shall be barred or defeated by reason of neglect or omission to note or record the default of any principal or surety at the term when it happens, nor by reason of a defect in the form of the recognizance, if it sufficiently appears from the tenor thereof at what court the principal therein was

6 bound to appear and that the court or magistrate before whom it was taken was
7 authorized by law to require and take such recognizance.

Sec. 689. ACT OF GOD TO DISCHARGE SURETIES.] If by the act of God sure-
2 ties are unable, without their fault, to surrender their principal, they shall, on
3 motion before final judgment in the action on the recognizance, be exonerated
4 and discharged by the court with or without costs, as the court may deem equit-
5 able.

DIVISION XXXVI.

CONFESSION OF JUDGMENT.

SECTION

- 690. For what judgment may be confessed
—how accomplished.
- 691. Forms of praecipe, etc.
- 692. How judgment entered—effect.
- 693. Judgment against co-partnership.
- 694. Warrant of attorney joint and several.

SECTION

- 695. Judgment against corporation.
- 696. Seal not necessary.
- 697. Judgment to operate as release of er-
rors—proceedings to vacate.
- 698. Execution of writ of possession.
- 699. Sale of property under execution.

Sec. 690. FOR WHAT JUDGMENT MAY BE CONFESSED—HOW ACCOMPLISHED.]

2 Any person for a debt bona fide due may confess judgment by himself, or attor-
3 ney duly authorized, for the amount of such debt and the costs of the action and
4 a tenant under a lease in writing may confess judgment in favor of his land-
5 lord for possession of the leased premises, or for possession of the leased prem-
6 ises and also for rent due to such landlord under such lease in writing, without
7 process. When such confession is made by virtue of a warrant of attorney ex-
8 ecuted by the person confessing the judgment, it shall be accomplished by the
9 filing with the clerk of the court in which such judgment is confessed of a prae-
10 cipe specifying the court in which the action is pending, the names of the par-

ties thereto and the classification and number thereof, directing the clerk to cause judgment by confession to be entered in favor of the plaintiff and against the defendant, and specifying the amount of such judgment, if the same be for a debt, or the description of the premises for the possession of which judgment is confessed, and, if such judgment is also to include rent, the amount of the judgment therefor, together with the original warrant of attorney authorizing such confession, an affidavit or affidavits of the plaintiff, his agent or attorney, or some other person having knowledge of the facts, showing the execution by the defendant of such warrant of attorney, and that the amount for which such judgment is to be confessed is bona fide due to the plaintiff from the defendant after allowing to the defendant all his just credits, deductions and set-offs, or, if judgment is confessed for the possession of premises, that the plaintiff is entitled to the possession of such premises and that the defendant unlawfully detains the same; and also a confession of judgment signed by a duly licensed attorney at law, and also by filing with such clerk a copy of said praecipe, warrant of attorney, affidavit and confession of judgment for the use of the defendant, or, if there be more than one defendant, then for the use of the defendant first applying therefor.

Sec. 691. FORMS OF PRAECIPES, ETC.] The following forms of praecipe, affidavit and confession shall be deemed to sufficiently comply with the provisions of the preceding section and shall be taken as furnishing suggestions from which other praecipes, affidavits and confessions may be properly framed:

1. CONFESION IN ACTION ON CONTRACT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Confession. No. 615.
v. Richard Roe.	

PRAECIPE FOR CONFESSION OF JUDGMENT.

To the clerk of said court:

You will please cause judgment by confession to be entered in the above entitled action in favor of the plaintiff and against the defendant for the sum of

13 one thousand dollars (\$1,000) and costs of the action in pursuance of the an-
 14 nexed power of attorney, affidavit and confession.

15 WILLIAM JONES,

16 *Attorney for Plaintiff.*

17 (Here insert original note and power of attorney.)

18 AFFIDAVIT.

19 William Doe on his oath says that he is the agent of the plaintiff in the
 20 above entitled action and that he saw the defendant, Richard Roe, execute the
 21 foregoing power of attorney (or, that he is acquainted with the handwriting of
 22 the defendant, Richard Roe), and that the signature purporting to be the sig-
 23 nature of the said Richard Roe to the said warrant of attorney is in the hand-
 24 writing of the said Richard Roe.

25 Affiant further says that the plaintiff's claim is upon the promissory note
 26 to which the foregoing power of attorney is annexed, and that there is due the
 27 plaintiff from the defendant thereon the sum of one thousand dollars (\$1,000)
 28 after allowing to the defendant all his just credits, deductions and set-offs.

29 WILLIAM DOE.

30 Subscribed and sworn to before me this 10th day of February, 1908.

31 WILLIAM BROWN, *Notary Public.*

32 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

33 John Doe
 34 v. Richard Roe. } Confession. No. 615.

35 CONFESSIO OF JUDGMENT.

36 Richard Roe, the defendant in the above entitled action, being the person
 37 mentioned in the annexed power of attorney, by Samuel Smith, his attorney,
 38 hereby waives service of process and confesses judgment in favor of the plain-
 39 tiff, John Doe, for the sum of one thousand dollars (\$1,000) and costs of the
 40 action.

41 RICHARD ROE,

42 BY SAMUEL SMITH,

43 *His Attorney.*

44 2. CONFESSIO IN ACTION OF FORCIBLE DETAINER.

45 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

46 John Doe
 47 v. Richard Roe. } Forcible Detainer. No. 221.

48 PRAECIPE FOR CONFESSIO OF JUDGMENT.

49 To the Clerk of said Court:

50 You will please cause judgment by confession to be entered in the above
 51 entitled action in favor of the plaintiff and against the defendant for the pos-

session of lot five (5) in block five (5) in the village of Oak Park, Cook county, Illinois, and also for the sum of one hundred dollars (\$100) rent and costs of the action in pursuance of the annexed lease in writing and power of attorney, affidavit and confession.

WILLIAM JONES,

Attorney for Plaintiff.

(Here insert original lease in writing, including power of attorney.)

AFFIDAVIT. •

William Doe, being duly sworn, on his oath deposes and says that he is the agent of the plaintiff in the above entitled action and that he saw the defendant, Richard Roe, execute the foregoing lease in writing and power of attorney (or that he is acquainted with the handwriting of the defendant, Richard Roe), and that the signature purporting to be the signature of the said Richard Roe to the said lease in writing and power of attorney is in the handwriting of the said Richard Roe.

Affiant further says that the plaintiff is lawfully entitled to the possession of the premises described in said lease in writing and that the defendant unlawfully detains the same from the plaintiff, and that there is due to the plaintiff from the defendant for rent under said lease, after allowing to the defendant all his just credits, deductions and set-offs, the sum of one hundred dollars (\$100).

WILLIAM DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM BROWN, *Notary Public.*

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Forcible Detainer. No. 221.
v.	
Richard Roe.	

CONFESSION OF JUDGMENT.

Richard Roe, the defendant in the above entitled action, being the person mentioned in the above lease in writing and power of attorney, by Samuel Smith, his attorney, hereby waives service of process and confesses judgment in favor of the plaintiff, John Doe, for the possession of the premises described in said lease in writing, to-wit: lot five (5) in block five (5) in the village of Oak Park, Cook county, Illinois, and also the sum of one hundred dollars (\$100) rent and the costs of the action.

RICHARD ROE,

By SAMUEL SMITH,

His Attorney.

Sec. 692. HOW JUDGMENT ENTERED—EFFECT.] Upon the filing of such
 2 praecipe, warrant of attorney, affidavit or affidavits and confession, the clerk
 3 may present the same to one of the judges of the court or to some other judge
 4 authorized by law to enter judgment, who shall thereupon cause such judgment
 5 to be entered, or the clerk may, of his own motion, enter such judgment. When
 6 such judgment is entered by direction of the judge the same shall be presumed,
 7 in any collateral proceeding, to have been duly and properly entered, unless the
 8 contrary shall affirmatively appear from the judgment itself; but in case such
 9 judgment be entered by the clerk without any order of any judge, such judg-
 10 ment shall be presumed to have been improperly entered, unless the contrary
 11 shall appear from such judgment, praecipe, warrant of attorney, affidavit and
 12 confession. In every case the judgment entry shall show whether such judg-
 13 ment was entered by the judge, or by the clerk of his own motion.

Sec. 693. JUDGMENT AGAINST CO-PARTNERSHIP.] A judgment by confession
 2 in pursuance of a warrant of attorney can only be entered against the mem-
 3 bers of a co-partnership when each of the members of the co-partnership
 4 against whom such judgment is proposed to be rendered has joined in the exe-
 5 cution of the warrant of attorney, or has authorized or ratified the execution
 6 thereof in the firm name. But when any such warrant of attorney has been
 7 executed in the firm name by one or more members of a co-partnership, but the
 8 same has not been executed or the execution thereof authorized or ratified by
 9 all the members of such co-partnership, judgment by confession in pursuance
 10 thereof may be entered against the individual partner or partners by whom
 11 such warrant of attorney has been executed, or by whom the execution of the
 12 same has been authorized or ratified as aforesaid.

Sec. 694. WARRANT OF ATTORNEY JOINT AND SEVERAL.] A joint warrant of
 2 attorney for the confession of judgment shall, as against the persons execut-
 3 ing the same, be deemed to be joint or several, and to authorize the confession

4 of a joint judgment against all the makers of such warrant of attorney, or of
5 several judgments against one or more of them.

Sec. 695. JUDGMENT AGAINST CORPORATION.] A warrant of attorney to con-
2 fess judgment against a corporation may be executed by the president or any
3 other officer of the corporation authorized thereto by a resolution of the board
4 of directors of such corporation or by the by-laws thereof.

Sec. 696. SEAL NOT NECESSARY.] It shall not be necessary that a warrant
2 of attorney be under seal, but it shall be sufficient that the same be signed by
3 the party to be bound thereby or in his name, or in the name of a co-partnership
4 of which he was a member at the time of signing the same, by his direction
5 or with his consent, or that after the same was signed it was ratified by him.

Sec. 697. JUDGMENT TO OPERATE AS RELEASE OF ERRORS—PROCEEDINGS TO VA-
2 CATE.] Every judgment by confession entered in pursuance of this act shall
3 operate as a release of all errors in the record thereof, excepting as is herein
4 otherwise provided, and no appeal or writ of error shall be prosecuted to re-
5 verse the same, but at any time not later than sixty days after service upon the
6 defendant of a certified or sworn copy of such judgment and a copy of the
7 praecipe, warrant of attorney, affidavit and confession, the defendant may
8 move the court in which the judgment has been rendered to vacate the same
9 and the method of procedure with respect thereto shall be substantially as
10 follows:

11 *First*—DEFENDANT TO FILE APPEARANCE, MOTION, AFFIDAVIT, ETC.] The de-
12 fendant shall file with the clerk of the court his appearance in writing and his
13 motion to vacate the judgment, and, if he demands a trial by jury, he shall so
14 specify, and shall also file an affidavit setting forth the facts which he may
15 claim to entitle him to have the judgment vacated, and, if he claims a defense
16 or defenses, he shall also file a specification thereof, and shall cause a copy of

17 the papers so filed to be served upon the plaintiff with a notice of the time
 18 when, place where and judge before whom the motion will be brought on for
 19 hearing.

20 *Second*—PROCEDURE WHEN DEFENDANT DOES NOT DEMAND JURY.] If the de-
 21 fendant shall not have demanded a trial by jury the court, if the affidavit of
 22 the defendant does not set forth facts entitling the defendant to a vacation of
 23 the judgment and the defendant does not file an additional or amended affidavit
 24 sufficient to entitle him to such vacation, shall deny the motion to vacate the
 25 judgment, but, if the affidavit of the defendant sets forth facts entitling the de-
 26 fendant to a vacation of the judgment the court shall proceed to hear the evi-
 27 dence introduced by the respective parties, and decide the action upon its merits
 28 and the judgment shall be as follows:

29 *a*—If the court finds the judgment by confession was duly authorized and
 30 that it was entered, if for the recovery of money, for the amount then bona
 31 fide due from the defendant to the plaintiff, or, if for the possession of prem-
 32 ises, that the plaintiff was entitled to recover such possession from the de-
 33 fendant, the court shall enter an order confirming the judgment and the same
 34 shall thereupon stand, in all respects and be enforced as if the same had been
 35 duly entered in an action commenced by summons.

36 *b*—If the court finds a judgment by confession was duly authorized, but
 37 that it was entered for the recovery of more money than, or the recovery of
 38 premises, in whole or in part, different from, the amount of money or the
 39 premises the plaintiff was entitled to recover, the court shall correct the judg-
 40 ment, by such a credit thereon or deduction therefrom or change thereof, as
 41 shall make the same conform to the finding of the court as to the rights of the
 42 parties, and the same shall thereupon stand as if the same had been correctly
 43 entered in the first instance.

44 *c*—If the court finds no judgment by confession was authorized, it shall
 45 vacate and set aside the judgment absolutely, but, in such case, if the court

finds that the plaintiff, either at the time of the entry of such judgment was, or at the time of the finding is, entitled to a judgment against the defendant upon the cause of action which was the cause or supposed cause of action for which such judgment was attempted to be entered by the plaintiff, the court shall enter such judgment as the plaintiff appears to be entitled to at the time of the trial, excepting that all the costs of the action shall be paid by the plaintiff.

Third—PROCEDURE WHEN DEFENDANT DEMANDS JURY.] If the defendant shall have demanded a trial by jury, the court shall cause the issues between the parties to be tried by jury and shall enter upon the verdict of the jury, when the same shall have been approved by the court, such one of the forms of judgment provided for in the preceding clause as such verdict may, in conformity therewith, require.

Sec. 698. EXECUTION OF WRIT OF POSSESSION.] No writ of possession under any such judgment by confession in an action of forcible detainer shall be executed by the sheriff or other officer until the lapse of forty-eight hours after the delivery of a copy thereof by the sheriff to the defendant, if the defendant may be found by the sheriff or other officer, or to such other person as may be in actual possession of such premises, nor, if the same be occupied as a place of residence by the defendant or his family, shall the writ of possession be executed by such sheriff or other officer until the lapse of five days after the delivery of such copy to the defendant or to some member of his family of the age of fifteen years or upwards and informing the defendant or such member of his family of the purport and nature thereof, and not then without a further order of the court when, on account of the sickness of any member of the family residing thereon or on account of the inclemency of the weather, the same cannot be executed without danger or inhumanity to some one or more of the occupants thereof.

Sec. 699. SALE OF PROPERTY UNDER EXECUTION.] No sale of property, whether real or personal, shall be made under any execution issued upon a judgment by confession until a copy of such execution shall have been delivered to the defendant therein and until ten days shall have elapsed after such delivery, in case such defendant shall be found by the sheriff of the county in which such property is levied upon or in which he may reside, or, if such defendant is not so found, until such notice shall be given in respect to such execution as the court out of which the same is issued shall direct.

DIVISION XXXVII.

EMINENT DOMAIN.

SECTION

- 700. How and for what purpose action commenced.
- 701. Requisites of petition.
- 702. Summons—publication of notice.
- 703. Appearance of defendant.
- 704. When defendant only required to file appearance.
- 705. When defendant required to file answer.
- 706. Declaring and fixing rights of parties.
- 707. Guardian ad litem for infant defendant.
- 708. Damages to premises not mentioned in petition.
- 709. Petition of intervention—parties.
- 710. Different tracts in same petition.
- 711. Amendments to petition.

SECTION

- 712. Bringing in new parties.
- 713. Damages to other land—answer.
- 714. Trial by jury.
- 715. Oath to jury.
- 716. Jury may go upon land—when benefits not set off.
- 717. Judgment—dismissal of petition before entry—failure to make payment—costs and attorney's fees.
- 718. Payment may be made to county treasurer.
- 719. Judgment to be entered of record.
- 720. Consent of General Assembly necessary when.
- 721. Appeals and writs of error—bond by plaintiff—right to enter upon lands.

Sec. 700. HOW AND FOR WHAT PURPOSE ACTION COMMENCED.] In all cases where the right to take private property for public use without the owner's con-

sent, or the right to construct or maintain any public road, railroad, plank road, turnpike road, canal or other public work or improvement, or which may damage property not actually taken, has been heretofore or shall hereafter be conferred by general law or special charter upon any corporate or municipal authority, public body, officer or agent, person, commissioner or corporation, and the compensation to be paid for or in respect of the property sought to be appropriated or damaged for the purposes above mentioned can not be agreed upon by the parties interested, or in case the owner of the property is incapable of consenting, or his name or residence is unknown, or he is a non-resident of the state, it shall be lawful for the party authorized to take or damage the property so required, or to construct, operate and maintain any public road, railroad, plank road, turnpike road, canal, or other public work or improvement, to apply to the circuit or county court of the county in which the said property, or any part thereof, is situated, by filing with the clerk a petition as hereinafter provided.

Sec. 701. REQUISITES OF PETITION.] Such petition shall specify the court in which the action is brought, the names of the parties thereto and the classification and number of the action and shall contain an introduction stating that the plaintiff brings his action of eminent domain against the defendant or defendants, and shall set forth, by reference, the plaintiff's authority in the premises, the purposes for which the property is sought to be taken or damaged, a description of such property, the names of all persons interested therein as owners or otherwise, as appearing of record, if known, and if not known, stating that fact. It shall be divided into paragraphs numbered consecutively, each paragraph to contain, as nearly as may be, a separate and distinct matter or allegation. Its language shall be as brief and concise as may be practicable and it shall be complete in itself and shall contain no reference to any exhibits, but when any paper, document or record of any kind is material to the statement of the plaintiff's case the substance thereof, or the portion thereof which is material to the plain-

15 tiff's case, shall be stated, or the entire paper, document or record shall be em-
 16 bodied, in a paragraph of the petition. If the action affects the property of per-
 17 sons under guardianship or conservatorship, the guardians or conservators of
 18 persons having guardians or conservators shall be made parties defendant, and if
 19 it affects the property of married women their husbands shall also be made par-
 20 ties. Persons interested whose names are unknown may be made parties de-
 21 fendant by the description of the unknown owners. In cases where the proper-
 22 ty is sought to be taken or damaged by the state for the purpose of establishing,
 23 operating or maintaining any state house, or state charitable or other state in-
 24 stitution or improvements, the petition shall be signed by the governor or by
 25 such other person as he shall direct, or as shall be provided by law. The prayer
 26 of the petition shall be that the court cause the compensation to be paid to the
 27 owner of the property to be assessed. It shall contain no prayer for process,
 28 but such process shall be issued, or such notice shall be given to the defendant or
 29 defendants, as may be required by the plaintiff by a note at the foot thereof.
 30 Every such petition, other than one filed by the state, shall be verified by the affi-
 31 davit of the plaintiff, or some agent, attorney, or officer of the plaintiff, that the
 32 same is true in substance and in fact.

Sec. 702. SUMMONS—PUBLICATION OF NOTICE.] Upon the filing of the peti-
 2 tion the clerk of the court shall issue a summons, or make publication of notice,
 3 as the case may be, in the manner hereinbefore in this act prescribed with re-
 4 spect to the issuance of summonses and the publication of notices, and every
 5 such summons shall be served and every such notice shall be published as here-
 6 inbefore in this act provided.

Sec. 703. APPEARANCE OF DEFENDANT.] Every defendant, other than an in-
 2 fant or other person under disability, shall enter his appearance in writing at
 3 the time provided by this act for the entering of the appearance of the defendant

4 in other actions, or, in default of such appearance, the court shall cause the
 5 compensation of the defendant so in default to be ascertained by a jury in the
 6 manner hereinafter provided.

Sec. 704. WHEN DEFENDANT ONLY REQUIRED TO FILE APPEARANCE.] Any de-
 2 fendant who does not wish to controvert the right of the plaintiff to exercise the
 3 right of eminent domain with respect to the premises described in the petition, or
 4 the allegations of the petition with respect to such defendant's title to or inter-
 5 est in said premises, shall not be required to file any paper in said action other
 6 than his appearance in writing.

Sec. 705. WHEN DEFENDANT REQUIRED TO FILE ANSWER.] If the defendant
 2 wishes to controvert the right of the plaintiff to exercise the right of eminent do-
 3 main with respect to the premises described in the petition, or the allegations of
 4 the petition with respect to such defendant's title to or interest in said premises,
 5 he shall file, with his entry of appearance, or within such time thereafter as may
 6 be allowed by the court, an answer controverting the facts relied upon by the
 7 plaintiff in support of his right to exercise the right of eminent domain with re-
 8 spect to said premises, and setting forth the title to or interest in the premises
 9 claimed by him.

Sec. 706. DECLARING AND FIXING RIGHTS OF PARTIES. In every case in which
 2 the right of the plaintiff to exercise the right of eminent domain with respect to
 3 the premises, or the allegations of the petition with respect to the title or inter-
 4 est of the defendants in the premises, is controverted, and in every case in
 5 which infants or other persons under disability are parties defendant, and in
 6 every case where any defendant, as hereinafter provided, shall claim damages to
 7 premises other than those described in the petition and the right, title or interest
 8 of such defendant in and to said other premises is disputed by the plaintiff, and
 9 in every case where any person not made a party to the action shall, as herein-

10 after provided file a petition of intervention, the court, before causing the com-
 11 pensation to be ascertained by a jury, shall hear the allegations and proofs of the
 12 parties and shall enter an order declaring and fixing their respective rights. In
 13 case the court shall find that the plaintiff has no right to exercise the right of
 14 eminent domain with respect to the premises described in the petition the peti-
 15 tion shall be dismissed at the costs of the plaintiff, but if the court finds that
 16 the plaintiff has such right the court shall declare and fix by its decree the re-
 17 spective rights, titles and interests of all the parties to the action.

Sec. 707. (GUARDIAN AD LITEM FOR INFANT DEFENDANT.) When an infant or
 2 other person under disability is made a party defendant, the court shall cause
 3 a guardian ad litem to be appointed for such defendant as in an action in equity.

Sec. 708. DAMAGES TO PREMISES NOT MENTIONED IN PETITION.] If any person
 2 made a defendant to any such petition shall claim damages to premises other
 3 than those specified and described in the petition, he shall file with his entry of
 4 appearance, or within such time thereafter as may be allowed by the court there-
 5 for, an answer alleging such damages, the amount thereof claimed, and a des-
 6 cription of the premises claimed to be damaged, and, when such damages are so
 7 alleged in the answer and are established in the evidence, the defendant shall be
 8 entitled to recover the same.

Sec. 709. PETITION OF INTERVENTION—PARTIES.] Any person not made a
 2 party to the petition may, by leave of court, file in the action his petition of in-
 3 tervention setting forth that he is the owner of or has some right, title or inter-
 4 est in or to the premises described in the petition, or some right, title or inter-
 5 est in other property not therein described, or both, as the case may be, and
 6 which will be taken or damaged by the proposed exercise by the plaintiff of the
 7 right of eminent domain, and the rights of such intervention plaintiff shall there-
 8 upon be fully considered and determined and his right to and interest in the

9 premises described in the petition of intervention shall be ascertained as herein-
 10 before provided, and his damages shall be assessed by the jury as hereinafter pro-
 11 vided. All the parties to the petition of intervention and any party who may de-
 12 sire to controvert the allegation of such petition of intervention may answer
 13 the same in the manner hereinbefore provided with respect to an answer to the
 14 petition of the plaintiff.

Sec. 710. DIFFERENT TRACTS IN SAME PETITION.] Any number of separate
 2 parcels of property, situated in the same county, may be included in one petition,
 3 and the compensation for each shall be assessed separately, by the same or diff-
 4 erent juries, as the court may direct.

Sec. 711. AMENDMENT TO PETITION.] Amendments to the petition, or to any
 2 other paper or record in the action, may be permitted whenever necessary to a
 3 fair trial and final determination of the questions involved.

Sec. 712. BRINGING IN NEW PARTIES.] Should it become necessary at any
 2 stage of the proceedings to bring a new party before the court, the court shall
 3 have power to make such rule or order in relation thereto as may be deemed rea-
 4 sonable and proper, and shall also have power to make all necessary rules and
 5 orders for notice to parties of the pendency of the proceeding and to issue all
 6 process necessary to the execution of such orders and judgments as may be en-
 7 tered.

Sec. 713. DAMAGES TO OTHER LAND—ANSWER.] If any person made a defend-
 2 ant to any such petition shall claim damages to land other than that specified
 3 and described in the petition, he shall so allege in his answer and when such
 4 damages are so alleged in the answer and are established by the evidence such
 5 defendant shall be entitled to recover the same.

Sec. 714. TRIAL BY JURY.] When the defendants have all been duly served
 2 with summons or duly notified by publication and the time or times for entering

3 their appearance or appearances has expired, and the rights of the respective
 4 parties have been declared and fixed as hereinbefore provided, the court shall set
 5 the cause for trial and shall proceed to try the same by jury.

Sec. 715. OATH TO JURY.] When the jury shall have been selected the court
 2 shall cause the following oath to be administered to the jurors:

3 You and each of you do solemnly swear that you will well and truly ascer-
 4 tain and report just compensation to the owner and each owner of the property
 5 which it is sought to take or damage in this case, and to each person therein in-
 6 terested, according to the facts in the case, as the same may be made to appear by
 7 the evidence, and that you will truly report such compensation so ascertained;
 8 so help you God.

Sec. 716. JURY MAY GO UPON LANDS—WHEN BENEFITS NOT SET OFF.] Said
 2 jury shall, at the request of either party, go upon the lands sought to be taken or
 3 damaged in person and examine the same, and after hearing the proof offered
 4 make their report in writing and the same shall be subject to amendments by the
 5 jury under the directions of the court so as to clearly set forth and show the
 6 compensation ascertained to each person thereto entitled and the said verdict
 7 shall thereupon be entered: *Provided*, however, that no benefits or advantages
 8 which may accrue to lands or property affected shall be set off against or de-
 9 ducted from such compensation in any case.

Sec. 717. JUDGMENT—DISMISSAL OF PETITION BEFORE ENTRY—FAILURE TO MAKE
 2 PAYMENT—COSTS AND ATTORNEY'S FEES] The court shall, upon such report, pro-
 3 ceed to adjudge and make such order as to right and justice shall pertain ord-
 4 ering that petitioner enter upon such property and the use of the same upon pay-
 5 ment of full compensation as ascertained as aforesaid, within a reasonable time to
 6 be fixed by the court, and such order, with evidence of such payment, shall consti-
 7 tute complete justification of the taking of such property: *Provided*, that in
 8 case the petitioner shall dismiss said petition before the entry of such order, or

9 shall fail to make payment of full compensation within the time named in such or-
 10 der, then such court shall, upon the application of the defendants to said petition
 11 or either of them, make such order in such action for the payment by the petition-
 12 er of all costs, expenses, and reasonable attorney's fees of such defendant or de-
 13 fendants paid or incurred by such defendant or defendants in defense of said
 14 petition, as, upon the hearing of such application, shall be right and just and also
 15 for the payment of the taxable costs.

Sec. 718. PAYMENTS MAY BE MADE TO COUNTY TREASURER.] Payment of com-
 2 pensation adjudged may in all cases be made to the county treasurer, who shall,
 3 on demand, pay the same to the party entitled thereto, taking his or her receipt
 4 therefor, or payment may be made to the party entitled, his or her or their con-
 5 servator or guardian.

Sec. 719. JUDGMENT TO BE ENTERED UPON RECORD.] The court shall cause the
 2 judgment to be entered upon the records of the court.

Sec. 720. CONSENT OF GENERAL ASSEMBLY NECESSARY WHEN.] No part of any
 2 land heretofore or hereafter conveyed to the State of Illinois for the use of any
 3 benevolent institution of the state (or to any such institutions) shall be entered
 4 upon, appropriated or used by any railroad or other company for railroad or oth-
 5 er purposes without the previous consent of the General Assembly, and no court
 6 or other tribunal shall have or entertain jurisdiction of any proceeding insti-
 7 tuted or to be instituted for the purpose of appropriating any such land for any
 8 of the purposes aforesaid without such previous consent.

Sec. 721. APPEALS AND WRITS OF ERROR—BOND BY PLAINTIFF—RIGHT TO ENTER
 2 UPON LANDS.] The orders, judgments and decrees of any court in any action of
 3 eminent domain may be reviewed by the supreme court, upon appeal or writ of
 4 error, in the manner hereinafter provided. If the party in whose favor the com-

5 pensation is ascertained shall prosecute an appeal from such judgment the plain-
 6 tiff shall, notwithstanding such appeal, have the right to enter upon the use of
 7 the property upon entering into bond with sufficient surety payable to the party
 8 interested in such compensation conditioned for the payment of such compensa-
 9 tion as may be finally adjudged in the case, and, in case of appeal by the plain-
 10 tiff, the plaintiff shall enter into like bond with approved surety. Said bond shall
 11 be approved by the court before whom such proceedings shall be had and shall be
 12 executed and filed within such time as shall be fixed by the court.

DIVISION XXXVIII.

BASTARDY.

SECTION

- 722. When action may be maintained.
- 723. How action commenced—complaint.
- 724. Requisites of complaint—forms.
- 725. Warrant—form.
- 726. Issue to be made up when—how issue tried.
- 727. Recognizance—commitment of defendant.
- 728. No trial till delivery.
- 729. When defendant discharged.
- 730. Judgment for plaintiff.
- 731. Commitment of defendant for refusal to give bond.

SECTION

- 732. Application of quarterly installments.
- 733. Default—citation—judgment.
- 734. Alias and pluries citations.
- 735. Commitment for contempt.
- 736. Mother to retain custody of child—exception.
- 737. Child not born alive—death of child.
- 738. Marriage of parents of bastard child.
- 739. Limitation.
- 740. Release with consent of county judge—compromise.
- 741. Forms of judgments, orders, etc.

Sec. 722. WHEN ACTION MAY BE MAINTAINED.] When an unmarried woman

2 shall be pregnant or delivered of a child which, by law, would be deemed a bas-

3 tard, she may maintain an action against the person accused of being the father
4 of such child in the manner hereinafter provided.

Sec. 723. HOW ACTION COMMENCED—COMPLAINT.] Such action shall be com-
2 menced by the filing by such unmarried woman of a complaint in the county
3 court of the county in which she is pregnant or delivered as aforesaid, or if she
4 is pregnant or delivered, as aforesaid, in the City of Chicago, such complaint
5 may be filed in the municipal court of Chicago.

Sec. 724. REQUISITES OF COMPLAINT—FORMS.] Such complaint shall specify
2 the court in which the action is brought, the names of the parties thereto, such un-
3 married woman to be the plaintiff and the accused person the defendant, the
4 classification and number of the action, and shall recite that the plaintiff brings
5 her action of bastardy against the defendant, and shall thereafter contain a re-
6 cital of the plaintiff's cause of action and shall be verified by the affidavit of the
7 plaintiff that the same is true in substance and in fact. The following forms of
8 complaints shall be deemed sufficient and shall be taken as suggestions from which
9 other complaints may be properly framed:

10 1. BASTARDY COMPLAINT BY PREGNANT WOMAN.

11 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

12 Mary Roe }
13 v. } Bastardy. No. 25.
14 John Doe. }

14 COMPLAINT.

15 The plaintiff brings her action of bastardy against the defendant and says
14 that she is an unmarried woman and that she is pregnant with child in said coun-
17 ty of Will, which child would by law be deemed a bastard, and that the defendant
18 is the father of said child.

19 Wherefore plaintiff prays for a warrant according to law.

20 MARY ROE.

21 Mary Roe on her oath says that the matters and things in the foregoing com-
 22 plaint alleged are true in substance and in fact.

23 MARY ROE.

24 Subscribed and sworn to before me this 10th day of February, 1908.

25 HENRY JONES, *Clerk*.

26 2. BASTARDY COMPLAINT BY WOMAN AFTER DELIVERY.

27 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

28 Mary Roe
 29 v. John Doe. } Bastardy. No. 26.

30 COMPLAINT.

31 The plaintiff brings her action of bastardy against the defendant and says
 32 that she was on the 10th day of January, 1908, delivered of a male child in said
 33 county of Will, which child by law would be deemed a bastard, and that at the
 34 time she was so delivered of said child she was and still is an unmarried woman,
 35 and that the defendant is the father of said child.

36 Wherefore plaintiff prays for a warrant according to law.

37 MARY ROE.

38 Mary Roe on her oath says that the matters and things in the foregoing com-
 39 plaint alleged are true in substance and in fact.

40 MARY ROE.

41 Subscribed and sworn to before me this 10th day of February, 1908.

42 HENRY JONES, *Clerk*.

Sec. 725. WARRANT—FORM.] Upon the filing of such complaint in the proper
 2 court the court shall order the issuance of a warrant directed to all sheriffs,
 3 coroners and constables in the State of Illinois and to the bailiff of the municipal
 4 court of Chicago, commanding them, or such one of them as may receive the war-
 5 rant, to bring the defendant forthwith before the court, and the clerk shall there-
 6 upon issue such warrant and the same, when issued, may be executed by any
 7 such officer in any county in this state. Such warrant may be in substantially
 8 the following form:

9 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

10 Mary Roe }
 11 v. } Bastardy. No. 25.
 12 John Doe. }

12 BASTARDY WARRANT.

13 The People of the State of Illinois—GREETING to all sheriffs, coroners and con-
 14 stables in the State of Illinois, and to the bailiff of the municipal court of
 15 Chicago.

16 We command you that you take John Doe and him safely keep so that you
 17 may have his body instanter before the county court of Will county at the county
 18 court-house in Joliet, in said county, to answer to Mary Roe concerning a charge
 19 preferred against him by complaint on oath of said Mary Roe, filed in said court,
 20 of being the father of a bastard child of said Mary Roe, an unmarried woman.

21 Witness Henry Jones, clerk of our said court, and the seal thereof at Joliet,
 22 Illinois, this 10th day of February, 1908.

23 HENRY JONES, *Clerk*.

Sec. 726. ISSUE TO BE MADE UP WHEN—HOW ISSUE TRIED.] If, upon his ap-
 2 pearance, the defendant denies the charge the court shall cause an issue to be
 3 made up whether the person charged, as aforesaid, is the real father of the
 4 child or not, which issue shall be tried by a jury, unless the parties shall elect
 5 to waive a trial by jury, in which case the issue shall be tried by the court with-
 6 out a jury.

Sec. 727. RECOGNIZANCE—COMMITMENT OF DEFENDANT.] Pending the trial
 2 of such issue and the final disposition of the matter, the court shall require the
 3 defendant to enter into a recognizance, in such an amount and with such sure-
 4 ties as the court may deem just, for the appearance of the defendant from day
 5 to day until the entry of final judgment, or in default of such recognizance the
 6 defendant may be committed to the county jail there to remain until he shall
 7 enter into such recognizance or until he is otherwise discharged by due course
 8 of law. Such recognizance may be in substantially one of the following forms:

9 1. RECOGNIZANCE IN BASTARDY CASE FOR APPEARANCE FROM DAY TO DAY.

10 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

11 Mary Roe }
 v. } Bastardy. No. 25.
 12 John Doe. }

13 RECOGNIZANCE.

14 This day personally appeared before the undersigned, judge of the county
 15 court of Will county, John Doe, as principal, and Thomas Jones and William
 16 Smith, as sureties, and jointly and severally acknowledged themselves to owe and
 17 be indebted unto the People of the State of Illinois in the penal sum of one thou-
 18 sand dollars (\$1,000), to be levied of their goods and chattels, lands and tene-
 19 ments respectively in such manner as the law directs.

20 The condition of this recognizance is such that if the above bounden John
 21 Doe shall personally be and appear before the county court of Will county, at
 22 the county court-house in Joliet, in said county, from day to day until the entry
 23 of final judgment in the above entitled action of bastardy brought therein
 24 against him by Mary Roe, an unmarried woman, and shall abide the order of
 25 said court in all things and not depart the same without leave, then this rec-
 26 ognizance is to be void; otherwise the same shall be and remain in full force and
 27 virtue.

28 Witness our hands and seals at Joliet, Illinois, this 10th day of February,
 29 1908.

30 JOHN DOE, [SEAL]
 31 THOMAS JONES, [SEAL]
 32 WILLIAM SMITH. [SEAL]

33 Taken, acknowledged and entered into before me this 10th day of February,
 34 1908.

35 HENRY BROWN, *Judge*.

36 2. RECOGNIZANCE IN BASTARDY CASE FOR APPEARANCE AFTER BIRTH OF CHILD.

37 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

38 Mary Roe }
 v. } Bastardy. No. 25.
 39 John Doe. }

40 RECOGNIZANCE.

41 This day personally appeared before the undersigned, judge of the county
 42 court of Will county, John Doe, as principal, and Thomas Jones and William

Smith, as sureties, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden John Doe shall personally be and appear before the county court of Will county, at the county court-house in Joliet, in said county, on the 20th day after the birth of the bastard child of Mary Roe, an unmarried woman, and from day to day thereafter until the entry of final judgment in the above entitled action of bastardy brought therein against him by Mary Roe, an unmarried woman, and shall abide the order of said court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same shall be and remain in full force and virtue.

Witness our hands and seals at Joliet, Illinois, this 10th day of February, 1908.

JOHN DOE, [SEAL.]

THOMAS JONES, [SEAL.]

WILLIAM SMITH. [SEAL.]

Taken, acknowledged and entered into before me this 10th day of February, 1908.

HENRY BROWN, *Judge*.

Sec. 728. NO TRIAL TILL DELIVERY.] No trial of such issue shall be had until the woman be delivered.

Sec. 729. WHEN DEFENDANT DISCHARGED.] If, upon the trial of the issue aforesaid, the jury shall find that the child is not the child of the defendant or alleged father, then the judgment of the court shall be that he be discharged and that he recover of the plaintiff his costs of the action.

Sec. 730. JUDGMENT FOR PLAINTIFF.] In case the issue be found against the defendant or reputed father, or whenever he shall in open court have confessed the truth of the accusation against him, he shall be condemned by the order and judgment of the court to pay to the clerk of the court for the use of the plaintiff a sum of money not exceeding two hundred dollars (\$200) for the

6 first year after the birth of such child, and a sum not exceeding one hundred
 7 dollars (\$100) yearly for nine years succeeding said first year, for the support,
 8 maintenance and education of such child, and shall moreover be adjudged to pay
 9 all the costs of the action and in addition thereto an attorney's fee, to be fixed by
 10 the court, for the attorney of the plaintiff, not exceeding one hundred dollars
 11 (\$100), and he shall be required by the court to give bond with sufficient security
 12 to be approved by the court for the payment of such sums of money, including
 13 costs and attorney's fees, as shall be ordered by the court aforesaid, which said
 14 bond shall be made payable to the People of the State of Illinois and shall be con-
 15 ditioned for the due and faithful payment of said yearly sums of money in equal
 16 quarterly installments to the clerk of said court for the use of the plaintiff and
 17 for the payment of said costs and attorney's fees within such time as may be
 18 fixed therefor by the court, which bond shall be filed and preserved by the clerk of
 19 said court. Such bond may be in substantially the following form.

20 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

21 Mary Roe }
 v. } Bastardy. No. 25.
 22 John Doe }

23 BOND.

24 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and
 25 Thomas Jones and William Smith, as sureties, are held and firmly bound unto
 26 the People of the State of Illinois in the penal sum of one thousand dollars
 27 (\$1,000), for the payment of which well and truly to be made we bind ourselves,
 28 our heirs, executors, administrators and assigns, jointly and severally, firmly by
 29 these presents.

30 Witness our hands and seals this 10th day of May, 1908.

31 The condition of the above obligation is such that whereas the county court
 32 of Will county did, on the 10th day of May, 1908, in a certain action of bas-
 33 tardy therein pending, brought by Mary Roe against said John Doe, enter a
 34 judgment requiring the above bounden John Doe to pay to the clerk of said
 35 county court of Will county for the support, maintenance and education of the
 36 bastard child of said Mary Roe, an unmarried woman, the sum of two hundred
 37 dollars (\$200) for the first year after the birth of such child, and the sum of one

38 hundred dollars (\$100) a year for nine years succeeding said first year, such
 39 yearly sums to be paid in equal quarterly installments, payable at the end of
 40 each quarter year after the 10th day of January, 1908, the same being the date of
 41 the birth of such bastard child, and for the payment of an attorney's fee of
 42 fifty dollars (\$50) fixed by the court for the attorney of the plaintiff, and that
 43 the installment accrued at the date of said judgment, amounting to the sum
 44 of fifty dollars (\$50), together with said attorney's fee of fifty dollars (\$50)
 45 should be paid by the said John Doe to the clerk of the county court of Will
 46 county within ten days from the date of such judgment:

47 Now, if the said John Doe shall duly and faithfully pay, or cause to be
 48 paid, to the clerk of said county court of Will county the yearly sums provided
 49 for in said judgment in equal quarterly installments in the manner provided by
 50 said judgment, together with the said attorney's fees, then this obligation is
 51 to be void; otherwise the same is to be and remain in full force and effect.

52 JOHN DOE, [SEAL.]

53 THOMAS JONES, [SEAL.]

54 WILLIAM SMITH. [SEAL.]

55 Approved by me this 10th day of May, 1908.

56 HENRY BROWN, *Judge*.

Sec. 731. COMMITMENT OF DEFENDANT FOR REFUSAL TO GIVE BOND.] In case
 2 the defendant shall refuse or neglect to give such security as may be ordered by
 3 the court he shall be committed to the jail of the county, or in case there be a
 4 house of correction or work house in such county, then to such house of
 5 correction or work house, there to remain until he shall comply with such order,
 6 or until otherwise discharged by due course of law; and if he be committed to a
 7 house of correction or work house he may be required, during his confinement
 8 therein, to perform such labor as is required to be performed by other persons
 9 committed to such house of correction or work house. Any person so committed
 10 shall be discharged for insolvency or inability to give a bond. *Provided how-*
 11 *ever,* that such discharge shall not be made within six months after such con-
 12 finement, and that no such discharge shall operate as a satisfaction of the judg-
 13 ment.

Sec. 732. APPLICATION OF QUARTERLY INSTALLMENTS.] The quarterly install-
2 ments of the yearly sums aforesaid, when received from the defendant, shall be
3 laid out and appropriated for the support of such child in such manner as shall
4 be directed by the court; but when a guardian shall be appointed for such bas-
5 tard, the money arising from such bond shall be paid over to such guardian.

Sec. 733. DEFAULT—CITATION—JUDGMENT.] Whenever default shall be made
2 in the payment of a quarterly installment or any part thereof mentioned in the
3 bond provided for in the preceding sections, the court shall, upon the applica-
4 tion of the mother, guardian or any other person interested in the support of
5 such child, issue a citation to the principal and sureties in said bond requiring
6 them to appear on some day in said citation mentioned, which shall be some
7 Monday at least five (5) days and not more than twenty (20) days after the date
8 thereof, and show cause, if any they have, why execution should not issue against
9 them for the amount of the installment or installments due and unpaid on said
10 bond, which said citation may be served by any officer or person authorized by
11 this act to serve a summons at least five (5) days before the day fixed therein for
12 the appearance of the parties therein named. Service of such citation shall be
13 made in the manner required by this act for the service of a summons in an action
14 at law. If the amount of such installment or installments shall not be paid at or
15 before the time mentioned for showing cause as aforesaid the court shall render
16 judgment in favor of the People of the State of Illinois against the principal and
17 sureties who have been served with such citation for the amount unpaid on
18 the installment or installments due on said bond and the costs of said proceed-
19 ing, and such judgment may be enforced by execution in the same manner as a
20 judgment for money in an action at law. The petition and citation provided for
21 in this section may be in substantially the following forms:

1. BASTARDY PETITION FOR CITATION.

IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

24	Mary Roe	} Bastardy. No. 25.
	v.	
25	John Doe.	

PETITION FOR CITATION.

The plaintiff says:

1. That she is the mother of John Roe, who is the bastard child of the defendant in the above entitled action.

2. That said John Doe, as principal, and Thomas Jones and William Smith, as sureties, did, on the 10th day of May, 1908, give a bastardy judgment bond in the above entitled action in the penal sum of one thousand dollars (\$1,000), conditioned for the due and faithful payment of the yearly sums provided for in the judgment entered in the above entitled action in equal quarterly installments in the manner provided by said judgment, together with the sum of fifty dollars (\$50) attorney's fees.

3. That said John Doe has not paid to the clerk of this court the following payments required to be paid by said judgment, to-wit:

The fifty dollars (\$50) attorney's fees payable May 20, 1908.

The quarterly installment of fifty dollars (\$50) payable May 20, 1908.

The quarterly installment of fifty dollars (\$50) payable August 10, 1908.

Wherefore plaintiff prays as follows:

First—For a citation to said John Doe, Thomas Jones and William Smith for their appearance on Monday, September 10, 1908.

Second—For an order for the issuance of an execution.

MARY ROE.

Mary Roe on her oath says she is the plaintiff in the above action and that the matters and things in the foregoing petition alleged are true in substance and in fact.

MARY ROE.

Subscribed and sworn to before me this 25th day of August, 1908.

HENRY JONES, Clerk.

52 2. CITATION ON A BASTARDY BOND.

53 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

54	Mary Roe	} Bastardy. No. 25.
	v.	
55	John Doe.	

56	CITATION.
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57 The People of the State of Illinois—GREETING to John Doe, Thomas Jones and
58 William Smith:

59 We hereby command you to appear in person or by attorney before the county
60 court of Will County, at the county court house in Joliet, in said county, on
62 Monday, the 10th day of September, 1908, to answer to the petition filed against
62 you in said court by Mary Roe in a certain action of bastardy therein lately
63 pending, wherein said Mary Roe is plaintiff and said John Doe is defendant.

Witness Henry Jones, clerk of said county court of Will county, and the
seal thereof, at Joliet, Illinois, this 25th day of August, 1908.

66 HENRY JONES, *Clerk.*

Sec. 734. ALIAS AND PLURIES CITATIONS.] In case any such citation shall
2 not be returned served upon any party mentioned therein before the day fixed
3 therein for the appearance of such parties an alias citation may be issued and
4 a subsequent pluries citation may be issued in any case when a previous alias
5 or pluries citation shall not have been served upon a party named therein prior
6 to the day fixed in the previous citation for the appearance of such party.

Sec. 735. COMMITMENT FOR CONTEMPT.] The court shall also have power,
2 in case of default in the payment when due of any installment or installments,
3 or any part thereof, in the condition of said bond mentioned, to adjudge the
4 reputed father of such child guilty of contempt of court by reason of the non-
5 payment as aforesaid, and to have him committed to the county jail of the coun-
6 ty until the amount of such installment or installments so due shall be fully
7 paid, together with all costs of such commitment, and in the obtaining and en-
8 forcing of such judgment and execution as aforesaid; but the commitment of
9 such reputed father shall not operate to stay or defeat the obtaining of judg-

ment and collection thereof by execution as aforesaid: *Provided*, that the rendition and collection of judgment, as aforesaid, shall not be construed to bar or hinder the taking of similar proceedings for the collection of subsequent installments on said bond as they shall become due and remain unpaid.

Sec. 736. MOTHER TO RETAIN CUSTODY OF CHILD—EXCEPTION.] The reputed father of a bastard child shall not have the right to the custody or control of such child, if the mother is living and wishes to retain such custody and control, until after it shall have arrived at the age of ten (10) years unless, upon petition to the county court of the county in which the mother resides, it shall, on full hearing of the facts in the case, after notice to the mother, be made to appear to said court that said mother is not a suitable person to have control and custody of such child.

Sec. 737. CHILD NOT BORN ALIVE—DEATH OF CHILD.] If the said child should never be born alive, or, being born alive, should die at any time and the fact shall be suggested upon the record of the court in which the proceedings have been brought, then the bond aforesaid shall from thenceforth be void.

Sec. 738. MARRIAGE OF PARENTS OF BASTARD CHILD.] If the mother of any bastard child and the reputed father shall, at any time after its birth, intermarry, the said child shall, in all respects, be deemed and held legitimate and the bond aforesaid be void.

Sec. 739. LIMITATION.] No prosecution provided for in the preceding sections shall be brought after two (2) years from the birth of the bastard child: *Provided*, the time any person accused shall be absent from the state shall not be computed.

Sec. 740. RELEASE WITH CONSENT OF COUNTY JUDGE — COMPROMISE.] The mother of a bastard child, before or after its birth, may release the reputed

3 father of such child from all legal liability on account of such bastard upon
 4 such terms as may be consented to in writing by the county judge of the county
 5 in which such mother resides: *Provided*, a release obtained from such mother
 6 in consideration of a payment to her of a sum of money less than eight hundred
 7 dollars (\$800), in the absence of the written consent of the county judge, shall
 8 not be a bar to an action for bastardy against such father, but if, after such
 9 release is obtained, an action be instituted against such father and the issue be
 10 found against him, he shall be entitled to a set-off for the amount so paid and
 11 it shall be credited to him as of the first payment or payments: and, *provided*,
 12 *further*, that such father may compromise all his legal liability on account of
 13 such bastard child with the mother thereof without the written consent of the
 14 county judge by paying to her any sum not less than eight hundred dollars
 15 (\$800).

Sec. 741. FORMS OF JUDGMENTS, ORDERS, ETC.] The following forms of judg-
 2 ments, orders, motion and affidavit, and writ of attachment in bastardy actions
 3 shall be deemed sufficient and shall be taken as furnishing suggestions from
 4 which other judgments, orders and papers may be properly framed:

5 1. JUDGMENT ON BASTARDY BOND BY DEFAULT AGAINST ALL THE DEFENDANTS.

6 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

7 Mary Roe } Bastardy. No. 50.
 v. } August 25, 1908.
 8 John Doe. } Before Hon. Henry Brown, Judge.

9 This day the court, having jurisdiction of the subject matter of this action
 10 and of the persons of the defendant John Doe, and of Thomas Jones and Wil-
 11 liam Smith, sureties on his bond, by service of the citation herein, it is con-
 12 sidered by the court, in accordance with the default and assessment of damages
 13 heretofore entered herein, that the plaintiff have and recover from the said John
 14 Doe, Thomas Jones and William Smith, upon the bastardy bond herein, the sum
 15 of one hundred dollars (\$100) with lawful interest thereon from May 20, 1910,
 16 and the sum of fifty dollars (\$50) with lawful interest thereon from August 10,
 17 1908.

2. JUDGMENT ON BASTARDY BOND BY DEFAULT AGAINST PART OF DEFENDANTS.

IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

20	Mary Roe	} Bastardy. No. 50.
	v.	
21	John Doe.	

August 25, 1908.
Before Hon. Henry Brown, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the persons of the defendant John Doe and of Thomas Jones, one of the sureties on his bond, by service of the citation herein, the remaining surety, William Smith, not served, it is considered by the court, in accordance with the default and assessment of damages heretofore entered herein against the said defendant, John Doe, and Thomas Jones, that the plaintiff have and recover from the said John Doe and Thomas Jones upon the bastardy bond herein the sum of one hundred dollars (\$100) with lawful interest thereon from May 20, 1908, and the sum of fifty dollars (\$50) with lawful interest thereon from August 10, 1908.

3. ORDER MAKING SURETY ON BASTARDY BOND SUBSEQUENTLY SERVED PARTY TO JUDGMENT PREVIOUSLY ENTERED.

IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

35	Mary Roe	} Bastardy. No. 50.
	v.	
36	John Doe.	

September 25, 1908.
Before Hon. Henry Brown, Judge.

This day the court, having jurisdiction of the subject matter of this action and of the person of William Smith, surety on the bastardy bond herein not previously served, by service of the citation herein, it is considered by the court, in accordance with the default and assessment of damages heretofore entered herein against the said William Smith, that the said William Smith be and he is hereby made a party to the judgment heretofore entered herein against the said defendant John Doe and Thomas Jones, and that the plaintiff have and recover of the said William Smith, as well as of the said John Doe and Thomas Jones, the sum of one hundred dollars (\$100) with lawful interest thereon from May 20, 1908, and the sum of fifty dollars (\$50) with lawful interest thereon from August 10, 1908.

48 4. MOTION AND AFFIDAVIT FOR ATTACHMENT FOR CONTEMPT AGAINST DEFENDANT
 49 FOR NON-PAYMENT OF INSTALLMENT.

50 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

51 Mary Roe }
 v. } Contempt. No. 75.
 52 John Doe. }

53 MOTION FOR ATTACHMENT.

54 The plaintiff moves the court for an attachment herein against the defend-
 55 ant for a contempt of court.

56 MARY ROE,
 57 BY HENRY JONES,
 58 *Her Attorney.*

59 Mary Roe on her oath says that she is the plaintiff herein and that the de-
 60 fendant, John Doe, has failed to pay to the clerk of this court the installment
 61 of one hundred dollars (\$100) provided in a judgment rendered by this court
 62 on the 10th day of May, 1908, in the case of Mary Roe v. John Doe, Bastardy,
 63 No. 50, to be paid by the defendant to the clerk of said court on the 20th day
 64 of May, 1908.

65 MARY ROE.
 66 Subscribed and sworn to before me this 25th day of May, 1908.
 67 HENRY JONES, *Clerk.*

68 5. BASTARDY ATTACHMENT FOR CONTEMPT.

69 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

70 Mary Roe }
 v. } Contempt. No. 75.
 71 John Doe. }

72 ATTACHMENT.

73 The People of the State of Illinois—GREETING to the sheriff of Will county:

74 We command you to take John Doe and him safely keep so that you have
 75 his body forthwith before the county court of Will county, at the county court-
 76 house in Joliet, in said county, to answer to Mary Roe for a contempt of court
 77 in failing to pay to the clerk of said court the quarterly installment of fifty dol-
 78 lars (\$50) payable May 20, 1908, under the judgment rendered by said court
 79 in an action of bastardy lately therein pending, wherein the said Mary Roe
 80 was plaintiff and the said John Doe was defendant.

Witness Henry Jones, clerk of said county court and the seal thereof at
Joliet, Illinois, this 25th day of May, 1908.

HENRY JONES, *Clerk*.

6. ORDER COMMITTING DEFENDANT FOR CONTEMPT FOR NON-PAYMENT OF IN
STALLMENT.

IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

Mary Roe	}	Contempt. No. 75.
v.		September 25, 1908.
John Doe.		Before Hon. Henry Brown, Judge.

This day the court, the defendant being present, finds the defendant guilty
of contempt in failing to pay to the clerk of this court the quarterly installment
of fifty dollars (\$50) payable May 20, 1908, under the judgment heretofore
rendered by this court on the 10th day of May, 1908, in the case of Mary Roe v.
John Doe, Bastardy, No. 50, and doth order that the defendant stand com-
mitted to the county jail of Will county until he shall pay the said sum of fifty
dollars (\$50) with interest at five per cent per annum from May 20, 1908, to the
clerk of this court, or until he is discharged according to law.

DIVISION XXXIX.

AMENDMENTS.

SECTION

742. Amendments to be allowed—adjudication of court conclusive.
 743. Amendments by court of its own motion.
 744. Summons to additional party defendant.
 745. Amendments after final judgment.
 746. Amendment of information.

SECTION

747. Other amendments in criminal actions.
 748. Amendments heretofore allowable.
 749. Amendment upon appeal or writ of error.
 750. Clerical mistakes.
 751. Evidence competent to prove mistake.
 752. Amendments—how framed—amendments by interlineation.

Sec. 742. AMENDMENTS TO BE ALLOWED—ADJUDICATION OF COURT CONCLUSIVE.]

2 At any time before final judgment or decree in any civil or quasi criminal
 3 action or proceeding amendments may be allowed, on such terms as are just
 4 and reasonable, introducing any party necessary to be joined as plaintiff or
 5 defendant, discontinuing as to any joint plaintiff or joint defendant, changing
 6 the form of the action or any matter either of form or substance in any pro-
 7 cess, statement of claim, specification of defense or defenses, petition, bill
 8 answer, or other pleadings, or any other paper filed or any proceeding had,
 9 which amendment or amendments may enable the plaintiff or cross-plaintiff
 10 to maintain the action, counterclaim or cross-bill for the claim or claims for
 11 which it was intended to be brought, asserted or prosecuted, or the defendant or
 12 cross-defendant to make a good and sufficient defense. The adjudication of the
 13 court allowing an amendment shall be conclusive evidence of the identity of the
 14 cause of action.

Sec. 743. AMENDMENTS BY COURT OF ITS OWN MOTION.] The court may, at

2 any time before final judgment or decree in any civil action or proceeding,
 3 upon its own motion, and upon such terms as the court may deem just, amend
 4 any defect or error in any proceeding and make all necessary amendments for
 5 the purpose of determining the real controversy between the parties according
 6 to the very right and justice thereof.

Sec. 744. SUMMONS TO ADDITIONAL PARTY DEFENDANT.] In case, by any such
 2 amendment, any person is made an additional party defendant, a summons or
 3 writ may be issued to such defendant requiring him to appear on some Monday
 4 not less than five (5) nor more than fifteen (15) days from the date thereof,
 5 and upon service of such summons or writ he may be proceeded against in the
 6 same manner as if he had been made a defendant at the commencement of the
 7 action.

Sec. 745. AMENDMENTS AFTER FINAL JUDGMENT.] After final judgment or
 2 decree rendered or entered in any action, whether at law or in equity, or
 3 whether civil or quasi criminal, any defect or imperfection in matter of form
 4 contained in the record entries or in any paper filed may be rectified and
 5 amended by the court in affirmance of the judgment or decree, so that such
 6 judgment or decree shall not be reversed or annulled; and any variance in the
 7 record from any process, pleading or other paper or proceeding had in such
 8 action may be reformed and amended according to such original process, plead-
 9 ing or other paper or proceeding.

Sec 746. AMENDMENT OF INFORMATION.] Every information in a criminal
 2 action shall be amendable, as a matter of course, either in form or in substance,
 3 upon application being made therefor to the court at any time before trial, and
 4 at any time during or after the trial, whether before or after judgment, every
 5 information shall be amendable, in the discretion of the court in which the trial
 6 is had: *Provided, however,* that no amendment shall be allowed after trial,
 7 whether before or after judgment, unless the court allowing the amendment is
 8 satisfied beyond all reasonable doubt from the evidence introduced at the trial
 9 that the defendant is guilty of the offense charged in the information as pro-
 10 posed to be amended, and the court is further satisfied that the defendant has
 11 had a fair and impartial trial and that the proposed amendment is in further-
 12 ance of justice.

Sec. 747. OTHER AMENDMENTS IN CRIMINAL ACTIONS.] The court in which a
2 criminal action is pending or has been determined may allow an amendment of
3 any paper other than an information, or of any record entry, whenever, in its
4 opinion, such amendment will be in furtherance of justice and whenever it is
5 clear beyond all reasonable doubt that such amendment will in no manner tend
6 to defeat the right of the defendant to a fair and impartial trial.

Sec. 748. AMENDMENTS HERETOFORE ALLOWABLE.] Any court of record shall
2 have power to allow any other amendment in addition to those in this act par-
3 ticularly specified which it would have had power to allow under any law here-
4 tofore in force.

Sec. 749. AMENDMENT UPON APPEAL OR WRIT OF ERROR.] The supreme court,
2 or any appellate court, when any action is pending therein upon an appeal or
3 writ of error, may, in its discretion, allow or make any amendment pertaining
4 to its own proceedings which it may deem in furtherance of justice and may
5 likewise allow or make any amendment of any paper or record entry contained
6 in the authenticated record of the court from which the appeal or to which the
7 writ of error has been prosecuted, or in which the action was originally heard
8 and determined, which it would have been in the power of such last mentioned
9 court to have allowed or made.

Sec. 750. CLERICAL MISTAKES.] Clerical mistakes in orders, judgments and
2 decrees, or errors arising therein from any accidental slip or omission, may at
3 any time be corrected by the court, of its own motion or otherwise, after reason-
4 able notice to the parties to the action, or to such of them as may be affected by
5 such mistakes or errors.

Sec. 751. EVIDENCE COMPETENT TO PROVE MISTAKE.] For the purpose of
2 ascertaining and correcting any mistake or omission in the record of any action

3 the court may receive any evidence, oral or documentary, which would be compe-
4 tent to establish a mistake in any other writing.

Sec. 752. AMENDMENTS—HOW FRAMED — AMENDMENTS BY INTERLINEATION.]

2 An amendment to any paper previously filed may either change the reading of
3 such paper so as to make it conform to the facts as they existed at the time such
4 paper was filed, or it may introduce new matter omitted from such previous
5 paper. In the framing of amendments the following rules shall apply:

6 *First*—AMENDMENT CHANGING READING OF PAPER DIVIDED INTO PARAGRAPHS.]

7 An amendment changing the reading of any paragraph or paragraphs of a
8 paper previously filed which is divided into paragraphs, other than an amend-
9 ment by interlineation as hereinafter provided, shall embody in full such para-
10 graph or paragraphs as they read after being amended.

11 *Second*—AMENDMENT CHANGING READING OF PAPER NOT DIVIDED INTO PARA-
12 GRAPHS.] An amendment changing the reading of a paper not divided into para-
13 graphs, other than an amendment by interlineation as hereinafter provided,
14 shall embody in full such paper as it reads after being amended.

15 *Third*—AMENDMENT INTRODUCING NEW MATTER.] An amendment of any
16 paper, when such amendment introduces new matter, shall embody such new
17 matter in additional paragraphs properly numbered of such paper, if the same
18 be divided into paragraphs, or, if the same be not divided into paragraphs,
19 such amendment shall specify that it is an addition to the matters contained
20 in the paper amended.

21 *Fourth*—WHEN AMENDMENTS NUMEROUS.] When amendments made to any
22 paper are numerous, the party whose paper is amended may, in place of filing
23 amendments thereto, file an amended paper in lieu of the original paper and
24 the amendments thereto, or the court may, of its own motion, direct such
25 amended paper to be so filed, in either of which cases such amended paper
26 shall be framed, as near as may be, in accordance with the rules in this act pre-
27 scribed with respect to the paper so amended.

28 *Fifth*—AMENDMENTS BY INTERLINEATION.] The court may, in its discretion,
 29 allow amendments by interlineation in papers filed, when such interlineations
 30 are not so numerous or of such a nature that the making of them in writing
 31 would render the paper difficult or inconvenient to read, but in all such cases
 32 the party making the amendments shall, at the request of the opposite party,
 33 make the corresponding interlineations in such opposite party's copy of such
 34 paper, or furnish to such opposite party a copy of such paper as amended.

DIVISION XL.

JURISDICTION OF COURTS OF EQUITY AND THE PLEADINGS AND PROCEEDINGS THEREIN.

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- 753. Actions in equity—when maintainable.
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- 759. Rules for determining sufficiency of bill.
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- 765. Objection of want of proper parties—how and when made.
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- 783. Supplemental bill—when filed—requisites—form.
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- 787. Form and requisites of bill of review—uniting different grounds in same bill.
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SECTION

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- 801. Pro confesso order as to defendant not appearing.
- 802. Proof when bill taken as confessed—decree to conform to pleadings.
- 803. Permitting defendant to answer after decree pro confesso.
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- 805. Hearing upon bill and answer—reference to master—trial by jury.
- 806. Evidence heard to be available under subsequent pleadings—rights of parties.
- 807. Procedure in action to obtain declaration of rights, etc.
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- 809. Hearing in camera.
- 810. Procedure in matters not provided for.

Sec. 753. ACTIONS IN EQUITY—WHEN MAINTAINABLE.] Actions in equity

2 may be maintained in all cases embraced within the provisions of clause twelfth
 3 of section one hundred forty (140) of this act and also for the following pur-
 4 poses:

5 *First*—TO QUIET TITLE.] To quiet title and to remove clouds from the title
 6 to real estate, regardless of whether the plaintiff is in or out of possession there-

7 of, or whether the land in controversy is improved or unimproved, occupied or
8 unoccupied.

9 *Second*—TO ADJUDICATE OTHER THAN PROPERTY RIGHTS.] To obtain an
10 adjudication concerning a right which is not a property right, when the remedy
11 by action in equity may seem to be more expeditious or more suitable to a
12 proper and complete adjudication than an action at law, or when no suitable
13 or satisfactory remedy by action at law is provided by which such adjudication
14 may be obtained.

15 *Third*—TO OBTAIN DECLARATION OF RIGHTS, ETC.] To obtain a declaration
16 respecting the rights, duties or liabilities of any one or more of the parties to
17 the action with respect to any other party or parties as to any contract in
18 writing, whether under seal or not under seal, or as to any last will and tes-
19 tament, or as to any other matter in which they, or any or either of them, are,
20 or claim to be, interested, whether such declaration involves the determination
21 of a question of law or a question of fact, or a question of both law and fact,
22 and although the party seeking the declaration may not, at the time of the
23 bringing of the action, be entitled to any substantive relief.

24 *Fourth*—TO TEST VALIDITY OF LAW OR CONSTITUTIONAL AMENDMENT.] To ob-
25 tain an adjudication respecting the validity of an act of the General Assembly
26 of this State or of any amendment to the constitution of this State.

27 *Fifth*—TO TEST VALIDITY OF ORDINANCE.] To obtain an adjudication respect-
28 ing the validity of any ordinance of a municipal corporation of this State.

29 *Sixth*—TO ADJUDICATE OTHER QUESTIONS.] To obtain an adjudication respect-
30 ing any other question, whether of law or fact, when the same cannot be as
31 speedily and conveniently obtained in any other manner and when, in the
32 opinion of the court, the adjudication of the same will either promote the pub-
33 lic welfare or be advantageous to any party to the action.

Sec. 754. BY WHOM ACTIONS IN EQUITY MAY BE MAINTAINED.] Actions in
2 equity may be maintained by the following persons:

3 *First*—ACTIONS HERETOFORE MAINTAINABLE.] Actions embraced within the
4 provisions of clause twelfth of section one hundred forty (140) of this act may
5 be maintained by all persons who might have maintained the same prior to the
6 taking effect of this act.

7 *Second*—ACTION TO QUIET TITLE.] An action to quiet title and to remove
8 clouds from the title to real estate may be maintained by any person having
9 any interest, legal or equitable, in possession or in reversion, vested or con-
10 tingent, in the premises the title to which is in question.

11 *Third*—ACTION TO ADJUDICATE OTHER THAN PROPERTY RIGHTS.] An action to
12 obtain an adjudication concerning a right which is not a property right may be
13 maintained by any person having any interest of any kind or character in such
14 right and in the enforcement thereof.

15 *Fourth*—ACTION TO OBTAIN DECLARATION OF RIGHTS, ETC.] An action to ob-
16 tain a declaration respecting the rights, duties or liabilities of any one or more
17 of the parties to the action with respect to any other party or parties as to any
18 contract in writing, whether under seal or not under seal, or as to any last will
19 and testament, or as to any other matter in which they, or any or either of
20 them, are, or claim to be, interested, may be maintained by any person having
21 any interest, financial or otherwise, in such declaration, or whose interests,
22 financial or otherwise, might be affected by any declaration which might be
23 made.

24 *Fifth*—ACTION TO TEST VALIDITY OF LAW, CONSTITUTIONAL AMENDMENT, OR ORDI-
25 NANCE.] An action to obtain an adjudication respecting the validity of an act
26 of the General Assembly of this State, or of any amendment to the constitution
27 of this State, or of any ordinance of a municipal corporation of this State, may
28 be maintained by any citizen of this State.

Sec. 755. DUTY OF ATTORNEY GENERAL IN ACTION TO TEST VALIDITY OF LAW OR
2 CONSTITUTIONAL AMENDMENT.] Whenever any action is brought against the
3 Secretary of State to obtain an adjudication respecting the validity of an act of

4 the General Assembly of this State, or of any amendment to the constitution
5 of this State, it shall be the duty of the Secretary of State to forthwith notify
6 the attorney general of the bringing of such action and it shall thereupon be-
7 come the duty of the Attorney General to take such steps as may be necessary
8 for the presentation to the court in which the action is brought, or to which the
9 same is removed by appeal or writ of error, of such suggestions and arguments
10 as the Attorney General may deem conducive to a proper determination of the
11 action.

Sec. 756. HOW ACTION IN EQUITY COMMENCED.] Every action in equity shall
2 be commenced by the filing by the plaintiff with the clerk of the court in which
3 the action is brought of a bill of complaint framed substantially as hereinafter
4 provided.

Sec. 757. PLEADINGS.] The pleadings in actions in equity shall be known
2 as bills of complaint, cross-bills of complaint, supplemental bills of complaint,
3 bills of intervention, bills of review, exceptions, demurrers, pleas and answers.

Sec. 758. REQUISITES OF BILL OF COMPLAINT.] A bill of complaint shall
2 specify the court in which the action is brought, the names of the parties thereto
3 and its classification and number and shall contain an introduction stating that
4 the plaintiff brings his action in equity against the defendant and thereafter a
5 narrative of the material facts on which the plaintiff relies, such narrative to
6 be divided into paragraphs numbered consecutively and each paragraph to con-
7 tain, as nearly as may be, a separate and distinct allegation. Its language shall
8 be as brief and concise as is consistent with the understanding by the court of
9 the case intended to be stated by the plaintiff and to that end it shall be liber-
10 ally construed in the plaintiff's favor. It shall omit all general charges of fraud,
11 combination and confederacy. It shall not contain any recital of matters of
12 evidence nor of matters of law. It shall be complete in itself and shall contain

no reference to any exhibits, but when any paper, document or record of any kind is material to the statement of the plaintiff's case the substance and effect thereof, or of the portion thereof which is material to the plaintiff's case, shall be stated, or the entire paper, document or record shall be embodied, in a paragraph of the bill. It shall pray specifically, but, as far as may be practicable, by the use of abbreviated forms the meaning of which may be readily understood by the court, for the relief to which the plaintiff may conceive himself entitled and also for general relief, and the prayer shall be divided into paragraphs numbered consecutively, each praying separate relief; but it shall contain no prayer for process, but such process shall be issued, or such notice shall be given to the defendants, as may be required by the plaintiff by a note at the foot thereof.

Sec. 759. RULES FOR DETERMINING SUFFICIENCY OF BILL.] In the determina-

tion of the sufficiency of a bill of complaint in equity the following rules, among others, shall prevail:

First—OFFER TO DO EQUITY UNNECESSARY.] It shall be unnecessary to set forth therein any offer in the nature of an offer on the part of the plaintiff to do equity on his part in case he shall be granted the relief he prays for, but such offer shall be presumed from the filing of the plaintiff's bill of complaint.

Second—GENERAL ALLEGATION OF PERFORMANCE SUFFICIENT.] In all cases where it is necessary to entitle the plaintiff to relief that it appear that he has performed or tendered performance of a contract on his part, it shall be sufficient to allege generally that he has performed or tendered performance of the contract on his part and such general allegation shall be taken to mean that the plaintiff has performed every act necessary to constitute such performance or tender of performance.

Third—CONCLUSIONS SUFFICIENT—EXCEPTION AS TO INVALIDITY, FRAUD, ACCIDENT AND MISTAKE.] In general, it shall be sufficient for the plaintiff to state conclusions in lieu of setting forth the facts from which such conclusions are to be ad-

18 duced, excepting that charges of invalidity, fraud, accident or mistake, shall be
 19 accompanied by statements of the facts relied upon to constitute the invalidity,
 20 fraud, accident or mistake.

21 *Fourth*—FACTS PRESUMED BY LAW OR AS TO WHICH BURDEN IS ON DEFENDANT.]
 22 It shall be unnecessary for the plaintiff to state facts which the law presumes
 23 in his favor, or as to which the burden of proof lies upon the defendant.

24 *Fifth*—WHEN ALLEGATION SUFFICIENTLY EXPLICIT.] Every allegation shall
 25 be deemed sufficiently explicit when the language thereof is such as to enable
 26 the court to understand the probable meaning thereby intended to be conveyed.

Sec. 760. FRAME OF BILL TO OBTAIN DECLARATION OF RIGHT, ETC., OR TEST
 2 LAW OR ORDINANCE.] In the framing of a bill to obtain a declaration respecting
 3 the rights, duties or liabilities of any other party or parties, or to obtain an
 4 adjudication respecting the validity of an act of the General Assembly, or of any
 5 amendment to the constitution of this State, or of any ordinance of a municipi-
 6 pal corporation of this State, the following rules shall be observed:

7 *First*—MATTERS OF FORM.] It shall comply, as to matters of form, with the
 8 provisions of this act respecting other bills of complaint in equity.

9 *Second*—MATTER AS TO WHICH ADJUDICATION IS SOUGHT.] It shall specify
 10 distinctly the rights, duties or liabilities respecting which a declaration of the
 11 court is sought, or the law or ordinance the validity of which is called in ques-
 12 tion, with sufficient particularity to enable the same to be clearly identified.

13 *Fourth*—PARTIES.] If the action be one to obtain a declaration respecting
 14 any right, duty or liability, the bill shall name as parties all persons interested
 15 in such declaration, or, if it be one to test the validity of a law, or of an
 16 amendment to the constitution, it shall name as parties defendant to the action
 17 the Secretary of State and such other persons, if any, as the plaintiff may
 18 deem proper, or, if the action be one to test the validity of an ordinance, it
 19 shall name as parties defendant the municipal corporation by which the ordi-

nance has been adopted and such persons in addition thereto as the plaintiff may deem proper.

Fifth—VERIFICATION.] It shall be verified by the affidavit of the plaintiff, or one of the plaintiffs in case there are several plaintiffs, that the allegations thereof are true in substance and in fact.

Sec. 761. PROCEDURE WHEN PAPER OBJECTIONABLE IN FORM.] If a bill of complaint or other pleading is not divided into paragraphs as provided in this act, or is unnecessarily voluminous or is otherwise objectionable in form, the court may, on motion of any party to the action, or of its own motion, rule the party whose paper it is to reform the same in such manner as to obviate all objections respecting the form thereof, and for non-compliance with such rule may order the paper to be taken off the file.

Sec. 762. BILL TO OPERATE AS NOTICE WHEN.] Every bill of complaint shall operate as notice to all persons of the pendency of the action from the date of the service of the summons upon the defendant in case the summons shall be thus served, or from the date of the first publication of notice, in case the defendant shall be notified by publication.

Sec. 763. FORMS OF BILLS.] The following forms of bills of complaint shall be deemed to sufficiently comply with the provisions of the preceding sections and shall be taken as furnishing suggestions from which other bills of complaint may be properly framed:

1. BILL FOR DIVORCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

Mary Doe	} In Equity. No. 550.
v.	
John Doe.	

BILL OF COMPLAINT.

The plaintiff brings this her action in equity against the defendant and says:

12 1. Plaintiff is an actual resident of said Cook county and is now and has
13 been for two years last passed a resident of the State of Illinois.

14 2. Plaintiff and defendant were lawfully married to each other at Chicago,
15 Illinois, on December 1, 1905, and lived together as husband and wife from that
16 time until February 10, 1908.

17 3. Defendant has been guilty of habitual drunkenness for the space of two
18 years during such marriage.

19 4. Defendant has been guilty of extreme and repeated cruelty to plaintiff
20 in this, that defendant struck plaintiff a blow with his fist on August 1, 1907,
21 and kicked plaintiff on December 15, 1907, and at divers other times committed
22 acts of cruelty to plaintiff, said acts of cruelty having been committed in the res-
23 idence of plaintiff and defendant in Chicago, Illinois.

24 5. Two children have been born as the issue of said marriage, to-wit: Mary
25 Elizabeth, now two years old, and Joseph, now six months old, both of whom are
26 living.

27 6. Defendant is unfit to have the custody of said children.

28 7. Defendant is the owner of property of large value, to-wit, of the value of
29 twenty-five thousand dollars (\$25,000), while plaintiff is without adequate means
30 of supporting herself and her said children.

31 Wherefore plaintiff prays as follows:

32 *First*—For alimony and expenses pendente lite.

33 *Second*—For a divorce and alimony.

34 *Third*—For the custody of the children.

35 *Fourth*—For general relief.

MARY DOE,

By HENRY SMITH,

Her Attorney.

38 **NOTE.**

39 The clerk will issue a summons to the defendant for his appearance on
40 Monday, February 24, 1908.

41 2. BILL FOR SEPARATE MAINTENANCE.

42 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

43 Mary Doe }
44 v. John Doe. } In Equity. No. 550.

45 **BILL OF COMPLAINT.**

46 The plaintiff brings this her action in equity against the defendant and says:

47 1. Plaintiff is an actual resident of said Cook county and is now and has
48 been for two years last passed a resident of the State of Illinois.

2. Plaintiff and defendant were lawfully married to each other at Chicago, Illinois, on December 1, 1905, and lived together as husband and wife from that time until February 10, 1908.

3. Two children have been born as the issue of said marriage, to-wit: Mary Elizabeth, now two years old, and Joseph, now six months old.

4. Defendant after said marriage was guilty of extreme and repeated cruelty to plaintiff in this, that on or about August 10, 1907, defendant struck plaintiff a violent blow with his fist and on or about September 10, 1907, the defendant kicked the plaintiff, and on divers other occasions so mistreated the plaintiff that she separated from him on February 10, 1908, and is now living separate and apart from him without her own fault.

5. Defendant is the owner of a large amount of property, to-wit: property of the value of over twenty-five thousand dollars (\$25,000), and able to support his wife and children, but has refused so to do, while plaintiff has not sufficient means for her own support.

Wherefore the plaintiff prays:

First—For alimony and expenses pendente lite.

Second—For separate maintenance.

Third—For the custody of the children.

Fourth—For general relief.

MARY DOE,

By HENRY SMITH,

Her Attorney.

NOTE.

The clerk will issue a summons to the defendant for his appearance on Monday, March 2, 1908.

3. BILL TO FORECLOSE MORTGAGE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe, Mary Roe, John

Smith and William Smith.

} In Equity. No. 650.

BILL OF COMPLAINT.

The plaintiff brings this his action in equity against the defendant and says:

1. On December 1, 1901, defendant Richard Roe, for a valuable consideration, made and delivered to plaintiff his promissory note as follows:

(Here insert copy of note.)

85 2. To secure the payment of said note the defendant Richard Roe and the
 86 defendant Mary Roe, who then was and still is the wife of said Richard Roe,
 87 executed and delivered to plaintiff a mortgage which was duly acknowledged
 88 and recorded as indicated by the certificate of acknowledgment and recording
 89 indorsed thereon, which said mortgage and indorsements were and are as fol-
 90 lows:

91 (Here insert copy of mortgage and indorsements.)

92 3. Defendant Richard Roe has not paid the said note or any portion there-
 93 of but the entire amount thereof is now due from him to the plaintiff.

94 4. Defendants John Smith and William Jones each claim some title to or
 95 interest in the premises, but whatever interest they or either of them have is
 96 subject to the said mortgage.

97 Wherefore the plaintiff prays:

98 *First*—For a foreclosure in the usual form.

99 *Second*—That the titles or interests, if any, of the defendants John Smith
 100 and William Jones may be declared to be subject to the prior lien of the plain-
 101 tiff under the said mortgage.

102 *Third*—For general relief.

103

JOHN DOE,

104

By HENRY JAMES,

105

His Attorney.

106

NOTE.

107 The clerk will issue three summonses to the defendants for their appear-
 108 ance on March 9, 1908.

109 4. BILL TO SET ASIDE DEED.

110

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

111 John Doe

v.

112 Richard Roe.

} In Equity. No. 562.

113

BILL OF COMPLAINT.

114 The plaintiff brings this his action in equity against the defendant and
 115 says:

116 1. On September 1, 1907, plaintiff was the owner in fee simple of the south-
 117 west quarter of section twenty (20), township nineteen (19), north, range two
 118 (2) east of the Third Principal Meridian in Cook county, Illinois, of the value
 119 of about thirty-two thousand dollars (\$32,000), which was substantially all the
 120 property plaintiff then owned.

2. On said last mentioned date plaintiff executed and delivered to the defendant, who is the plaintiff's son, a warranty deed conveying said premises to said defendant, which said deed was duly acknowledged and recorded as indicated by the certificates of acknowledgment and recording indorsed thereon and the same and the said indorsements were and are as follows:

126 (Here insert copy of deed and endorsements.)

127 3. Plaintiff at the time of the execution and delivery of said deed was sev-
128 enty-five years of age and in feeble health.

129 4. The consideration of said deed, and the only consideration therefor, was
130 that said defendant should support and maintain plaintiff comfortably for and
131 during plaintiff's natural life, and provide him with proper food and clothing
132 and necessary care and medical attention, so long as the plaintiff should
133 live.

134 5. Immediately after the execution of the deed defendant went into pos-
135 session of said premises and has ever since retained and still retains possession
136 thereof and has received all the rents, issues and profits thereof.

137 6. Defendant has failed to carry out his agreement with the plaintiff in
138 this, that the defendant has not comfortably supported and maintained plaintiff
139 nor provided him with proper food and clothing, but has wholly neglected and
140 refused so to do.

141 Wherefore the plaintiff prays:

142 *First*—For a decree setting aside and canceling the deed.

143 *Second*—For an accounting as to the rents, issues and profits of the prem-
144 ises.

145 *Third*—For general relief.

146 JOHN DOE,
147 By WILLIAM JONES,
148 *His Attorney.*

149 NOTE.

150 The clerk will issue a summons to defendant for his appearance on Mon-
151 day, March 14, 1908.

152 5. BILL TO QUIET TITLE AND TO SET ASIDE A TAX DEED.

153 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

154 John Doe
 v.
 155 Richard Roe. } In Equity. No. 215.

156 BILL OF COMPLAINT.

157 The plaintiff brings this his action in equity against the defendant and
 158 says:

159 1. Plaintiff on or about December 1, 1895, became the owner in fee simple
 160 and has ever since been in possession, as such owner, of the east half of the
 161 southwest quarter of section five (5), township eleven (11), range four (4)
 162 east of the Third Principal Meridian, in said Cook county.

163 2. On September 5, 1903, there was filed for record in the office of the re-
 164 corder of Cook county, Illinois, and recorded therein in book 1,000, page 600, a
 165 certain tax deed, of which the following is a copy:

166 (Here insert copy of deed.)

167 3. Said deed was and is invalid because, first, no notice was published by
 168 the collector as required by law of the sale of the property described therein;
 169 and, second, the purchaser at the sale did not serve or cause to be served a
 170 written or printed, or partly written or printed notice of his purchase on the
 171 plaintiff who was in actual possession and occupancy of such premises.

172 4. Plaintiff prior to the commencement of his action and on December 1,
 173 1907, tendered to the defendant the sum of seventy-five dollars (\$75), which
 174 sum was in excess of the amount paid by the defendant for the premises at the
 175 tax sale, with interest thereon down to the time of such tender, and demanded
 176 of the defendant that he execute and deliver to plaintiff a quit claim deed convey-
 177 ing to plaintiff defendant's title acquired by said tax deed, and then and there
 178 tendered defendant the sum of five dollars (\$5) as compensation for the mak-
 179 ing of said deed, but defendant refused and still refuses to execute the deed.

180 5. Said tax deed is a cloud upon the title of plaintiff to the premises.

181 Wherefore plaintiff prays:

182 *First*—For a decree setting aside the tax deed and canceling the same.

183 *Second*—For general relief.

184 JOHN DOE,
 185 By JAMES SMITH,
 186 *His Attorney.*

187

NOTE.

188 The clerk will issue a summons to defendant for his appearance on Monday,
189 May 25, 1908.

190 6. BILL FOR PARTITION AND ASSIGNMENT OF DOWER.

191 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

192 John Doe and William Doe	} In Equity. No. 217.
193 v. Henry Doe, Mary Doe and	
194 Jane Doe.	

195 BILL OF COMPLAINT.

196 The plaintiffs bring this their action in equity against the defendants and
197 say:

198 1. Joseph Doe died intestate on July 1, 1907, in Cook county, Illinois,
199 leaving the defendant Jane Doe, his widow, and the plaintiffs, John Doe and
200 William Doe, and the defendants, Henry Doe and Mary Doe, his sons and
201 daughter, his only heirs at law him surviving.

202 2. At the time of his death said Joseph Doe was seized in fee simple of the
203 southwest quarter of the northwest quarter of section ten (10), township twen-
204 ty-nine (29) north, range one (1) east of the Third Principal Meridian in Cook
205 county, Illinois.

206 3. By reason of the death of said Joseph Doe the plaintiffs John Doe and
207 William Doe and the defendants Henry Doe and Mary Doe each became and are
208 seized in fee simple of an undivided one-fourth ($\frac{1}{4}$) part of said premises sub-
209 ject to the dower of the defendant Jane Doe.

210 4. No person or persons other than the plaintiffs and the defendants have
211 any interest in or title to the premises or any part thereof.

212 5. The plaintiffs and defendants are unable to agree in respect to the par-
213 tition of the premises and assignment of dower therein.

214 6. Since the death of said Joseph Doe the premises have been in the pos-
215 session of the defendants who have received and retained all of the rents, issues
216 and profits thereof.

217 Wherefore plaintiffs pray:

218 *First*—For a partition and assignment of dower.

219 *Second*—For an accounting in respect to the rents, issues and profits.

220 *Third*—For general relief.

221 JOHN DOE AND WILLIAM DOE,
222 By SOLOMON SMITH,
223 *Their Attorney.*

224 NOTE.

225 The clerk will issue two summonses to defendants for their appearance on
226 Monday, March 28, 1908.

227 7. BILL FOR ASSIGNMENT OF DOWER.

228 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

229 Jane Doe

v.

230 John Doe, William Doe, Henry Doe } In Equity. No. 160.

231 and Mary Doe.

232 BILL OF COMPLAINT.

233 The plaintiff brings this her action in equity against the defendants and
234 says:

235 1. Joseph Doe died intestate on July 1, 1907, in Cook county, Illinois,
236 leaving the plaintiff Jane Doe, his widow, and the defendants, John Doe, Wil-
237 liam Doe, Henry Doe and Mary Doe, his sons and daughter, as his only heirs
238 at law him surviving.

239 2. At the time of his death said Joseph Doe was seized in fee simple of
240 the southwest quarter of the northwest quarter of section ten (10), township
241 twenty-nine (29) north, range one (1) east of the Third Principal Meridian in
242 Cook county, Illinois.

243 3. By reason of the death of said Joseph Doe the defendants, John Doe,
244 William Doe, Henry Doe and Mary Doe, each became and are seized in fee sim-
245 ple of an undivided one-fourth ($\frac{1}{4}$) part of said premises subject to the dower
246 of the plaintiff, Jane Doe.

247 4. No person or persons other than the plaintiff and the defendants have
248 any interest in or title to the premises or any part thereof.

249 5. Ever since the death of said Joseph Doe the defendants have been in
250 possession and are still in possession of said premises and have received and
251 retained all of the rents, issues and profits thereof.

252 6. The plaintiff has been unable to agree with the defendants in respect
253 to the assignment of her dower.

254 Wherefore plaintiff prays:

255 *First*—For an assignment of dower.

256 *Second*—For an accounting for rents, issues and profits.

257 *Third*—For general relief.

258

JANE DOE,

259

By WILLIAM SMITH,

260

Her Attorney.

261

NOTE.

262 The clerk will issue four summonses to defendants for their appearance on
263 Monday, March 8, 1908.

264 8. BILL TO CONTEST A WILL.

265

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

266 John Doe

v.

267 William Doe, Henry Doe, Mary
268 Doe and Jane Doe in her own
269 right and as executrix of the last
270 will and testament of Joseph
271 Doe, deceased.

} In Equity. No. 614.

272

BILL OF COMPLAINT.

273 The plaintiff brings this his action in equity against the defendants and
274 says:

275 1. Joseph Doe died in Cook county, Illinois, on February 1, 1908, leaving
276 the plaintiff, John Doe, and the defendants, William Doe, Henry Doe and Mary
277 Doe, his sons and daughter, and the defendant Jane Doe, his widow, his only
278 heirs at law, surviving.

279 2. At the time of his death said Joseph Doe was seized in fee simple of
280 the southwest quarter of the northwest quarter of section ten (10), township
281 twenty-nine (29) north, range one (1) east of the Third Principal Meridian in
282 Cook county, Illinois, and of a large amount of other real estate and was also
283 possessed of and owned a large amount of personal property.

284 3. After his death and on March 10, 1908, an instrument purporting to be
285 his last will and testament was admitted to probate by the probate court of
286 Cook county and letters testamentary thereon were granted to the defendant,
287 Jane Doe, and said instrument was and is in the words and figures following,
288 to-wit:

289 (Here insert copy of instrument.)

290 4. Said Joseph Doe, at the time he executed said instrument, was not of
 291 sound and disposing mind and memory and was legally incapable of making a
 292 last will and testament.

293 5. The making of said instrument was procured by the defendants, Wil-
 294 liam Doe, Henry Doe and Mary Doe by undue influence practiced by them upon
 295 said Joseph Doe in this, that said William Doe, Henry Doe and Mary Doe, prior
 296 to the making of said instrument, caused it to be represented to said Joseph Doe
 297 and caused said Joseph Doe to believe that the plaintiff had stolen from said
 298 Joseph Doe divers large sums of money and that the plaintiff was for that
 299 reason and for other reasons undeserving of receiving any portion of the prop-
 300 erty which said Joseph Doe might own at the time of his death, the said William
 301 Doe, Henry Doe and Mary Doe well knowing that said representations were
 302 false when they made them.

303 Wherefore plaintiff prays:

304 *First*—For a decree setting aside said instrument and the probate thereof.

305 *Second*—For general relief.

306

JOHN DOE,

307

By WILLIAM SMITH,

308

His Attorney.

309

NOTE.

310 The clerk will issue a summons to the defendants Mary Doe and Jane Doe,
 311 in her own right and as executrix of the last will and testament of Joseph Doe,
 312 deceased, for their appearance on Monday, April 27, 1908, and publish a notice
 313 to defendants William Doe and Henry Doe for their appearance on Monday,
 314 June 15, 1908.

315 9. BILL TO SET ASIDE A JUDGMENT AT LAW.

316

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

317 John Doe

v.

318 Richard Roe.

} In Equity. No. 950.

319

BILL OF COMPLAINT.

320 The plaintiff brings this his action in equity against the defendant and
 321 says:

322 1. On July 1, 1907, the defendant commenced an action at law against the
 323 plaintiff in the superior court of Cook county to recover the sum of \$1,000,
 324 which he claimed to be due from plaintiff upon the following promissory note:

325 (Here insert copy of note.)

2. Said action was Contract No. 27, in said superior court and judgment therein was rendered in favor of said Richard Roe, the defendant herein, and against the plaintiff herein for the sum of one thousand dollars (\$1,000) and costs of the action on the first day of December, 1907.

3. After the commencement of said action and before judgment was entered, the plaintiff had duly entered his appearance and filed a specification of his defenses therein and said case was set for trial on November 25, 1907.

4. On November 24, 1907, on the application of the plaintiff herein and after due notice to the defendant herein, the said superior court entered an order in said action postponing the trial thereof until March 1, 1908.

5. Said judgment so entered on December 1, 1907, was entered without the knowledge or consent of the plaintiff herein by means of a fraudulent concealment by the defendant herein from said superior court of the entry of the order postponing the trial of said action.

6. The plaintiff herein, relying on the said postponement, paid no further attention to the said action and remained in entire ignorance of the entry of said judgment until February 15, 1908, when he learned thereof by reason of the service upon him by the sheriff of Cook county, Illinois, of an execution issued out of said superior court on said judgment on February 1, 1908.

7. The plaintiff herein was not at the time of the commencement of the said action by said Richard Roe aforesaid, nor at the time of the entry of said judgment, nor is he now, in any manner indebted to said Richard Roe upon said promissory note or otherwise, the amount of said promissory note having been paid by the plaintiff herein to the defendant herein on June 1, 1907.

Wherefore plaintiff prays:

First—For a decree vacating and setting aside the judgment.

Second—For an injunction against the enforcement of the judgment.

Third—For a decree for the cancelation and delivery up of the said promissory note.

Fourth—For general relief.

JOHN DOE,

By WILLIAM SMITH,

His Attorney.

NOTE.

The clerk will issue a summons to the defendant for his appearance on Monday, March 28, 1908.

362 10. BILL TO CORRECT MISTAKE IN DEED.

363 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

364 John Doe
 v.
 365 Richard Roe. } In Equity. No. 416.

366 BILL OF COMPLAINT.

367 The plaintiff brings this his action in equity against the defendant and
 368 says:

369 1. On July 1, 1907, plaintiff purchased from defendant the southwest quar-
 370 ter of the northwest quarter of section ten (10), township twenty-nine (29)
 371 north, range one (1) east of the Third Principal Meridian in Cook county, Illi-
 372 nois, for the sum of ten thousand dollars (\$10,000), then paid by plaintiff to de-
 373 fendant therefor.

374 2. Defendant, intending to execute and deliver to plaintiff a warranty deed
 375 conveying said premises to plaintiff and the plaintiff intending to receive and
 376 accept such deed, the defendant on said date executed and delivered to plaintiff
 377 and plaintiff accepted a deed which was duly acknowledged by the defendant and
 378 was recorded in the office of the recorder of Cook county, Illinois, on July 2,
 379 1907, in Book 1100, page 400, which deed, together with the certificates of ac-
 380 knowledgment and recording thereof, was and is as follows:

381 (Here insert copy of deed and certificates.)

382 3. Plaintiff on July 1, 1907, entered into possession of the property above
 383 described and actually purchased by plaintiff from the defendant, and has ever
 384 since remained and still remains in possession thereof but never discovered the
 385 mistake in the deed until February 1, 1908.

386 4. On February 15, 1908, plaintiff tendered to defendant a reconveyance
 387 of the premises described in the deed and applied to defendant to execute and
 388 deliver to plaintiff a deed correctly describing the premises so purchased, but
 389 defendant refused and still refuses to do so.

390 Wherefore plaintiff prays:

391 *First*—For a decree correcting the mistake in the deed.

392 *Second* For a decree requiring defendant to execute and deliver to plaintiff
393 a new and correct deed of the premises.

394 *Third*—For general relief.

395 JOHN DOE,

396 By WILLIAM SMITH,

397 *His Attorney.*

398 NOTE.

399 The clerk will issue a summons to the defendant for his appearance on
400 Monday, March 21, 1908.

401 11. BILL BY SURETY TO BE SUBROGATED TO RIGHTS OF MORTGAGEE.

402 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

403 John Doe

v.

404 Richard Roe, John Smith and } In Equity. No. 210.

405 William Jones.

406 BILL OF COMPLAINT.

407 The plaintiff brings this his action in equity against the defendants and says:

408 1. On December 1, 1901, defendant Richard Roe, as principal, and plain-
409 tiff, as surety, made and delivered to one Samuel Brown, for a valuable con-
410 sideration, their promissory note as follows:

411 (Here insert copy of note.)

412 2. To secure the payment of said note the defendant Richard Roe and the
413 defendant Mary Roe, who then was and still is the wife of said Richard Roe,
414 executed and delivered to said Samuel Brown a mortgage which was duly ac-
415 knowledged and recorded as indicated by the certificates of acknowledgment and
416 recording indorsed thereon, which said mortgage and indorsements were and
417 are as follows:

418 (Here insert copy of mortgage and indorsements.)

3. The defendant Richard Roe did not, nor did any one for him, pay the said note or any portion thereof, but when the same became due on July 1, 1902, plaintiff, being called upon so to do by said Samuel Brown, paid said Samuel Brown the amount due upon said note, being the sum of one thousand sixty dollars (\$1,060), and received from said Samuel Brown said note and the mortgage securing the same.

4. The plaintiff, shortly after making said payment, requested said defendant Richard Roe to pay to plaintiff the amount thereof, but said Richard Roe refused and still refuses to do so and there is due thereon to the plaintiff from said Richard Roe the sum of one thousand sixty dollars (\$1,060), with interest thereon at the rate of six per cent per annum from July 1, 1907.

5. The defendants John Smith and William Jones each claim some title to or interest in the premises described in the above mortgage, but whatever interest they or either of them have is subject to said mortgage.

Wherefore plaintiff prays:

First—For a decree of subrogation and foreclosure in the usual form.

Second—That the title or interest, if any, of the defendants John Smith and William Jones may be declared to be subject to the prior lien of the plaintiff under said mortgage.

Third—For general relief.

JOHN DOE,
By HENRY JAMES,
His Attorney.

NOTE.

The clerk will issue a summons to defendants for their appearance on Monday, March 14, 1908.

12. BILL BY VENDEE AGAINST VENDOR FOR SPECIFIC PERFORMANCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } In Equity. No. 210.

BILL OF COMPLAINT.

The plaintiff brings this his action in equity against the defendant and says:

1. Plaintiff and defendant on July 1, 1907, entered into an agreement in writing in the words and figures following, to-wit:

(Here insert copy of agreement.)

2. Plaintiff has always been ready, willing and able to comply with the terms of said agreement, and, on September 1, 1907, he applied to the defendant and offered to pay the defendant the sum of five thousand dollars (\$5,000), which was the balance then due the defendant under the agreement, upon defendant's executing and delivering to plaintiff a warranty deed for the premises described in the agreement according to its terms.

3. Defendant refused and still refuses to comply with the agreement by executing and delivering the deed.

Wherefore plaintiff prays:

First—For a specific performance of the agreement.

Second—For general relief.

JOHN DOE,

By WILLIAM SMITH,

His Attorney.

NOTE.

The clerk will issue a summons to the defendant for his appearance on Monday, March 7, 1908.

13. BILL BY VENDOR AGAINST VENDEE FOR SPECIFIC PERFORMANCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 201.
v.	
Richard Roe.	

BILL OF COMPLAINT.

The plaintiff brings this his action in equity against the defendant and says:

1. Plaintiff and defendant on July 1, 1907, entered into an agreement in writing in the words and figures following, to-wit:

(Here insert copy of agreement.)

482 2. At the time the agreement was entered into defendant paid to the plain-
 483 tiff the sum of five hundred dollars (\$500), as a part of the purchase money
 484 mentioned therein, and plaintiff delivered to defendant an abstract of title to
 485 the premises for the plaintiff's examination as required by the terms of the
 486 agreement.

487 3. Plaintiff has always been and still is ready, willing and able to per-
 488 form his part of the agreement and to execute and deliver to defendant a proper
 489 deed of the premises described therein upon defendant's paying the balance of
 490 the purchase money.

491 4. The defendant has refused and still refuses to pay the balance of the
 492 purchase money.

493 Wherefore plaintiff prays:

494 *First*—For a decree requiring defendant to pay the balance of the pur-
 495 chase money upon plaintiff's executing and delivering to defendant a good and
 496 sufficient deed of the premises described in the agreement.

497 *Second*—For general relief.

498 JOHN DOE,

499 By WILLIAM SMITH,

500 *His Attorney.*
 501

NOTE.

502 The clerk will issue a summons to the defendant for his appearance on Mon-
 503 day, March 21, 1908.

504 14. BILL BY VENDEE AGAINST LEGAL REPRESENTATIVES OF VENDOR FOR SPECIFIC
 505 PERFORMANCE.

506 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

507 John Doe

v.

508 Henry Roe individually and as
 509 administrator of the estate of
 510 Richard Roe, deceased, William
 511 Roe and Jane Roe.

} In Equity. No. 911.

512 BILL OF COMPLAINT.

513 The plaintiff brings this his action in equity against the defendants and
 514 says:

515 1. Plaintiff and one Richard Roe on or about July 1, 1907, entered into a
516 contract in writing in the words and figures following:

517 (Here insert copy of contract.)

518 2. On August 1, 1907, Richard Roe died intestate in said Cook County,
519 leaving said Jane Roe, his widow, and said Henry Roe and William Roe, his
520 sons, his only heirs at law him surviving.

521 3. On September 1, 1907, said Henry Roe was duly appointed adminis-
522 trator of the estate of said Richard Roe, deceased, by the probate court of Cook
523 county, and is now lawfully acting as such administrator.

524 4. On October 1, 1907, plaintiff tendered to said defendant Henry Roe,
525 administrator of the estate of Richard Roe, deceased, the sum of fourteen
526 thousand dollars (\$14,000), being the balance due from plaintiff for the pur-
527 chase price of said premises under said contract, and requested said Henry Roe,
528 as such administrator, to execute and deliver to plaintiff a deed of the prem-
529 ises in accordance with the contract; but said Henry Roe, as such administrator.
530 refused to accept the money and refused to execute and deliver the deed.

531 Wherefore plaintiff prays:

532 *First*—For a decree for specific performance.

533 *Second*—For general relief.

534 JOHN DOE,

535 By WILLIAM SMITH,

536 *His Attorney.*

537 NOTE.

538 The clerk will issue a summons to defendants for their appearance on
539 Monday, March 28, 1908.

540 15. BILL FOR DISSOLUTION OF PARTNERSHIP AND FOR AN INJUNCTION.

541 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

542 John Doe	}	In Equity. No. 97.
v.		
543 Richard Roe and		
544 William Jones.		

545 BILL OF COMPLAINT.

546 The plaintiff brings this his action in equity against the defendants and
547 says:

548 1. On July 1, 1907, plaintiff and defendants entered into an agreement in
549 writing of co-partnership in the words and figures following, to-wit:

550 (Here insert copy of agreement.)

551 2. In pursuance of said agreement the copartnership business was entered
552 upon and has ever since continued to be carried on by the plaintiff and the de
553 fendants under and in pursuance thereof.

554 3. On February 1, 1908, plaintiff served a notice in writing upon the de
555 fendants of a dissolution of the co-partnership, said notice being as follows:

556 (Here insert copy of notice.)

557 4. From the commencement of the co-partnership down to the present time
558 each of the defendants has appropriated to his own individual use large sums of
559 money in excess of what he was entitled to out of the receipts and profits of the
560 business, and both are largely indebted to the co-partnership, the indebtedness
561 of the defendant Richard Roe being over ten thousand dollars (\$10,000), and
562 that of the defendant William Jones being over twenty thousand dollars (\$20,-
563 000).

564 5. Both of the defendants are insolvent.

565 6. Both of the defendants have refused to discontinue the carrying on of
566 the partnership business and insist upon still carrying on the same, notwith-
567 standing the notice aforesaid.

568 Wherefore plaintiff prays:

569 *First*—For a dissolution of the co-partnership.

570 *Second*—For an accounting.

571 *Third*—For an injunction restraining defendants, until the further order of
572 the court, from collecting or receiving any partnership money or property.

573 *Fourth*—For the appointment of a receiver.

574 *Fifth*—For general relief.

575 JOHN DOE,

576 By WILLIAM SMITH,

577 *His Attorney.*

578 NOTE.

579 The clerk will issue a summons to the defendants for their appearance on
580 Monday, July 13, 1908.

581 16. BILL FOR CLOSING UP AFFAIRS OF CORPORATION.

582 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

583 John Doe

v

584 Chicago Lumber Manufacturing } In Equity. No. 600.
585 Company, Richard Roe, Thomas
586 Jones and Henry Smith.

587 BILL OF COMPLAINT.

588 The plaintiff brings this his action in equity against the defendants and
589 says:

590 1. Defendant Chicago Lumber Manufacturing Company is a corporation
591 duly organized under the laws of Illinois on August 1, 1900, for the purpose of
592 carrying on the business of manufacturing and dealing in lumber.

593 2. Said defendant carried on said business from about the date of its or-
594 ganization until July 1, 1908, when it ceased doing business, leaving debts un-
595 paid.

596 3. Plaintiff is a creditor of said defendant to the amount of ten thousand
597 dollars (\$10,000), with interest thereon at six (6) per cent per annum from
598 January 2, 1908, for money lent, the loan being evidenced by the defendant's
599 promissory note of that date to the plaintiff.

600 4. The defendants Richard Roe, Thomas Jones and Henry Smith are or
 601 have been stockholders of the corporation defendant and are liable for the debts
 602 of said corporation to the extent of the unpaid portions of their stock, after ex-
 603 hausting the assets of the corporation.

604 5. The assets of the corporation are insufficient to satisfy its debts and
 605 liabilities.

606 Wherefore plaintiff prays as follows:

607 *First*—For the appointment of a receiver.

608 *Second*—For the closing up of the affairs of the corporation.

609 *Third*—For general relief.

610 JOHN DOE,

611 By JAMES BROWN,

612 *His Attorney.*

613 NOTE.

614 The clerk will issue five summonses to the defendants for their appearance
 615 on Monday, September 21, 1908.

616 17. BILL TO OBTAIN DECLARATION OF RIGHTS, DUTIES OR LIABILITIES.

617 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

618 John Doe	} In Equity. No. 125.
619 v.	
620 Richard Roe	

621 BILL OF COMPLAINT.

622 The plaintiff brings his action in equity against the defendant and says:

623 1. On July 1, 1910, the plaintiff and the defendant entered into a contract
 624 in writing in the words and figures following, to-wit:

625 (Here set forth contract.)

626 2. Doubt has arisen with reference to said contract as to whether (here
 627 state matter with respect to which doubt has arisen).

628 3. Plaintiff has been unable to secure from the defendant any agreement
 629 as to said question.

630 4. This action is brought in good faith for the sole purpose of obtaining a
631 declaration respecting said question.

632 Wherefore plaintiff prays as follows:

633 *First*—For a declaration.

634 *Second*—For general relief.

635 JOHN DOE,
636 By JAMES BROWN,
637 *His Attorney.*

638 AFFIDAVIT.

639 John Doe, the plaintiff, on his oath says that the allegations in the foregoing
640 bill are true in substance and in fact.

641 JOHN DOE.

642 Subscribed and sworn to before me this 20th day of September, 1910.

643 JAMES SMITH, *Clerk.*

644 NOTE.

645 The clerk will issue a summons to the defendant for his appearance Mon
646 day, September 26, 1910.

647 18. BILL TO TEST VALIDITY OF LAW.

648 IN THE CIRCUIT COURT OF SANGAMON COUNTY.

649 John Doe	} In Equity. No. 150.
650 v.	
651 James A. Rose, Secretary of State	

652 BILL OF COMPLAINT.

653 The plaintiff brings his action in equity against the defendant and says:

654 1. At its session in 1909, the General Assembly passed an act entitled "An
655 act to tax gifts, legacies, inheritances, transfers, appointments and interests in
656 certain cases, and to provide for the collection of the same, and repealing certain
657 acts therein named," which was approved by the Governor on June 14, 1909.
658 and is published in the Session Laws of 1909 on pages 312-322.

659 2. Doubt has arisen respecting the validity of the following portions of
said act:

660 (Here specify parts of the act in respect to which doubt has arisen.)

661 3. This action is brought in good faith for the sole purpose of obtaining
 662 a declaration of the court respecting the validity of the portions of the act thus
 663 specified.

664 Wherefore plaintiff prays as follows:

665 *First*—For a declaration.

666 *Second*—For general relief.

JOHN DOE,

667 By JAMES BROWN,

668 *His Attorney.*

670 AFFIDAVIT.

671 John Doe, the plaintiff, on his oath says that the allegations of the foregoing
 672 bill are true in substance and in fact.

673 JOHN DOE.

674 Subscribed and sworn to before me this 11th day of July, 1910.

675 JAMES SMITH, *Cerk.*

676 The clerk will issue a summons to the defendant for his appearance on Mon-
 677 day, July 18, 1910.

Sec. 764. WHEN BILL NOT TO BE DEEMED MULTIFARIOUS—DIVISION OF ACTION.]

2 No bill of complaint or cross-bill of complaint in an action in equity shall be
 3 hereafter deemed multifarious, if it shall appear therefrom that the matters
 4 therein set forth have such relation to each other that it is advantageous to the
 5 plaintiff to litigate the same in one action, or if, in the opinion of the court,
 6 such matters may be conveniently and expeditiously litigated in one action.
 7 When any party to the action shall object that any such bill or cross-bill is mul-
 8 tifarious, the court may proceed as provided in section one hundred seventy-
 9 three (173) of this act. The objection of multifariousness must be made by the
 10 defendant before the filing of any other pleading.

Sec. 765. OBJECTION OF WANT OF PROPER PARTIES—HOW AND WHEN MADE.]

2 When any defendant to any bill of complaint or cross-bill of complaint shall

3 object that persons have not been made parties to the action who ought to have
4 been joined as plaintiffs or defendants, as the case may be, the procedure shall
5 be as prescribed in section one hundred sixty-two (162) of this act.

Sec. 766. ADEQUATE REMEDY AT LAW NOT GOOD OBJECTION.] It shall not be
2 a good objection to a bill of complaint in equity that the matters therein sought
3 to be litigated are matters with respect to which, or any of which, the plaintiff
4 has a full, adequate and complete remedy at law; but, as to any such matters,
5 the defendant shall be entitled to a trial by jury of all issues of fact if, at the
6 time he enters his appearance, if he be a defendant to the original bill, or at the
7 time he files his first pleading, if he be a defendant to the cross-bill, he files a
8 demand in writing of a trial by jury.

Sec. 767. MATTERS WHICH MAY BE LITIGATED BY BILL TO CONTEST WILL.] In
2 any action in equity to contest the validity of any last will and testament the
3 plaintiff shall be entitled to pray relief respecting property affected by such
4 last will and testament, if the relief so prayed for be such as the plaintiff might
5 be entitled to in case such last will and testament should be adjudged invalid,
6 and for that purpose the plaintiff may allege such matters in his bill of com-
7 plaint and may make such parties' defendant thereto as may be necessary to the
8 granting of the relief prayed for.

Sec. 768. MATTERS WHICH MAY BE LITIGATED IN FORECLOSURE ACTION.] In a
2 bill to foreclose a mortgage or deed of trust or to enforce any other lien the
3 plaintiff may make any person interested in the premises subject to the mort-
4 gage, deed of trust or other lien, a party defendant, whether such person claims
5 an interest in such premises prior or superior, or subsequent or subject, to such
6 mortgage, deed of trust or lien, and the court in such action may determine all
7 questions of conflicting titles and interests and may, by its decree, establish and
8 fix the respective titles and interests of all the parties to the action.

Sec. 769. COURT MAY GRANT COMPLETE RELIEF.] In every action in equity

2 the court may grant to the respective parties all such relief as they may appear
3 to be entitled to, whether the same be of an equitable or legal nature.

Sec. 770. TO WHAT EXTENT DECREE IN EQUITY RES ADJUDICATA.] No decree

2 hereafter entered in any action in equity in this state shall be deemed or treated
3 as an adjudication with respect to any matter not actually litigated in such
4 action.

Sec. 771. EXCEPTIONS TO BILL—FORM.] Exceptions may be taken to allega-

2 tions of a bill of complaint which are scandalous or impertinent. If an ex-
3 ception be taken to an entire paragraph of the bill, the exception shall so specify,
4 without repeating the language of such paragraph. If the exception be taken
5 to a portion of a paragraph of the bill, the same shall set forth either the
6 language of the portion excepted to of such paragraph or that such paragraph
7 is excepted to saving the portion thereof set out in the exception. Exceptions
8 to a bill shall be accompanied by an affidavit of the defendant's attorney, or one
9 of the defendant's attorneys, that the same are not interposed for delay and
10 that he believes the same to be well founded in law. The clerk shall refuse to
11 receive or file any exceptions not accompanied by such affidavit. The follow-
12 ing form, with a specification of the court and the title, classification and num-
13 ber of the action, shall be deemed a sufficient form of exceptions and shall be
14 taken as furnishing suggestions from which other exceptions may be properly
15 framed:

16 EXCEPTIONS TO BILL OF COMPLAINT.

17 The defendant excepts to the following portions of the bill of complaint:

18 1. Paragraphs 3, 9 and 10.

19 2. That portion of paragraph 4 which reads as follows: (Here insert
20 language excepted to.)

21 3. All of paragraph 11 excepting the following portion thereof: (Here
22 insert portion of paragraph not excepted to.)

THOMAS JONES.

Attorney for Defendant.

AFFIDAVIT.

26 Thomas Jones, the attorney for the defendant, on his oath says that the
27 foregoing exceptions are not interposed for delay and that he believes the same
28 to be well founded in law.

THOMAS JONES.

30 Subscribed and sworn to before me this 11th day of July, 1910.

JOHN SMITH, *Clerk.*

Sec. 772. DEMURRER—FORM.] If the defendant conceives the bill of com-
plaint to be insufficient in law he may file a demurrer to the same, either with-
out filing exceptions thereto, or after such exceptions have been filed and the
judgment of the court taken thereon. Every demurrer shall state that the de-
fendant demurs to the bill and shall specify, by the use of abbreviated forms,
the grounds of the demurrer. The grounds of demurrer to a bill shall be known
and stated in abbreviated forms as insufficiency in law, statute of limitations
and statute of frauds. A demurrer for insufficiency in law will be deemed
sufficient to reach any defect in the substance of a bill, other than either of
those expressed in the other grounds of demurrer above specified. Every de-
murrer shall be accompanied by an affidavit of the defendant's attorney, or one
of the defendant's attorneys, that the same is not interposed for delay and
that he believes the same to be well founded in law. The clerk shall refuse to
receive or file any demurrer not accompanied by such affidavit. The following
form, with a specification of the court and the title, classification and number
of the action, shall be deemed a sufficient form of demurrer and shall be taken
as furnishing suggestions from which other forms of demurrers may be
properly framed:

DEMURRER TO BILL OF COMPLAINT.

The defendant demurs to the bill on the following grounds:

1. Insufficiency in law.
2. Statute of limitations of five years.
3. Statute of frauds.

THOMAS JONES,

Attorney for Defendant.

AFFIDAVIT.

Thomas Jones, the attorney for the defendant, on his oath says that the foregoing demurrer is not interposed for delay and that he believes the same to be well founded in law.

THOMAS JONES.

Subscribed and sworn to before me this 11th day of July, 1911.

JOHN SMITH, *Clerk.*

Sec. 773. PLEADINGS AFTER EXCEPTIONS AND DEMURRER.] If the defendant does

not except or demur to the bill of complaint, or if his exceptions or demurrer thereto, or both, as the case may be, are overruled, he shall file a plea or answer thereto.

Sec. 774. REQUISITES OF PLEA—FORM.] Every plea shall state that the de-

fendant pleads to the bill, or to some portion thereof, specifying the portion by giving the numbers of the paragraphs, if the plea is to entire paragraphs, or, if to portions of paragraphs, specifying the language of the portions pleaded to, or that such paragraphs are pleaded to saving the portions set out in the plea, and shall set forth the facts pleaded by the defendant and shall be verified by the affidavit of the defendant, or, if the defendant be a corporation, by some officer having knowledge of the facts, unless the plea is one to the jurisdiction of the court or to the disability of the person of the plaintiff or the facts therein set forth are matters of record or matters recorded. It shall omit the

11 common protestation clause and the common conclusion heretofore in use. The
 12 following form, with a specification of the court and the title, classification and
 13 number of the action, shall be deemed a sufficient form of plea:

14 PLEA TO BILL OF COMPLAINT.

15 The defendant pleads to the bill (or, if the plea be to a portion of the bill,
 16 the portion pleaded to shall be specified in the manner above indicated,) the fol-
 17 lowing facts:

18 (Here set forth facts pleaded.)

19 THOMAS JONES,

20 *Attorneys for Defendant.*

21 Richard Roe, the above named defendant, on his oath says that the foregoing
 22 plea by him pleaded is true in substance and in fact.

23 RICHARD ROE.

24 Subscribed and sworn to before me this 10th day of January, 1908.

25 JOHN SMITH, *Clerk.*

Sec. 775. REQUISITES OF ANSWER—FORM.] Every answer shall state that
 2 the defendant answers the bill, or so much of the bill, specifying it, as the defend-
 3 ant elects to answer. It shall answer fully all the allegations except such as are
 4 not required to be answered by reason of exceptions, demurrer or plea thereto
 5 allowed. It shall contain not only the defendant's answer to the several para-
 6 graphs of the bill, but thereafter such statement of his case as he may deem it
 7 necessary or advisable to make. It shall also be divided into paragraphs num-
 8 bered consecutively, each paragraph containing, as nearly as may be, a separate
 9 and distinct allegation; and such answer must be full and explicit and distinct to
 10 each separate paragraph of the bill before it enters upon any statement of the
 11 defendant's case. When the answer admits or denies any entire paragraph of a
 12 bill, it shall state the number of the paragraph so admitted or denied without re-
 13 peating the language of such paragraph or any portion thereof. When it admits

14 a portion of a paragraph and denies the residue, it shall set forth that it admits
 15 a portion thereof, setting forth the portion admitted, and denies the residue, or
 16 that it denies a portion thereof, setting forth the portion denied, and admits the
 17 residue. The language of that portion of the answer, if any, which sets forth
 18 facts, matters and circumstances on which the defendant relies shall be as brief
 19 and concise as is consistent with the understanding by the court of the case in-
 20 tended to be stated by the defendant, and it shall be liberally construed in the
 21 defendant's favor. It shall be complete in itself and shall contain no reference
 22 to any exhibits, but when any paper, document or record of any kind is material
 23 to the statement of the defendant's case, the substance thereof, or of the portion
 24 thereof which is material to the defendant's case shall be stated, or the entire
 25 paper, document or record shall be embodied in a paragraph of the answer. The
 26 common commencing clause reserving exceptions and containing protestations
 27 and the common concluding clause denying combination and the general trav-
 28 erse and the common repetitions "this defendant further answering saith," and
 29 the like, shall be omitted. The following form, with a specification of the court
 30 and the title, classification and number of the action, shall be deemed a sufficient
 31 form of answer.

32 ANSWER TO BILL OF COMPLAINT.

33 The defendant answering to the bill says:

34 1. That he admits paragraphs 1, 2, 3, 7 and 8 thereof.

35 2. That he denies paragraphs 4, 5 and 9 thereof.

36 3. That he admits so much of paragraph 6 thereof as states (here insert the
 37 said part admitted) and denies the residue of said paragraph.

38 4. That he denies so much of paragraph 10 thereof as states that (here in-
 39 sert part denied) and admits the residue of said paragraph.

40 5. That (in this and in subsequent paragraphs, each alleging a single and
 41 distinct fact, set forth briefly and concisely additional matters of defense ex-
 42 planatory of, or in addition to, the matters set forth in the preceding para-
 43 graphs).

44 RICHARD ROE,

45 BY THOMAS JONES,

46 *His Attorney.*

Sec. 776. WHEN ANSWER MUST EITHER ADMIT OR DENY MATTERS ALLEGED IN
 2 BILL.] It shall not be permissible for the defendant in his answer to allege that
 3 he has no knowledge concerning the matters, or concerning any particular matter
 4 or matters, alleged in the bill of complaint, or that he can neither admit nor deny
 5 the same, unless such matter or matters are such that the defendant cannot, by
 6 reasonable diligence, ascertain the facts in reference thereto. When any matter
 7 is alleged in a bill of complaint as a matter of record and the record pertaining
 8 thereto is within the county in which the action is brought, and is accessible to
 9 the defendant, or when such record, though out of such county, is accessible to
 10 the defendant and may be inspected without serious inconvenience, it shall be
 11 the duty of the defendant to examine the same and to admit or deny the allega-
 12 tion of the bill of complaint in respect thereto in accordance with the truth as
 13 the same may be ascertained by him from such investigation. When any matter
 14 not of record concerning which the defendant has no knowledge is alleged in the
 15 bill of complaint, it shall be the duty of the defendant, before answering the same,
 16 to ascertain, if practicable, the facts pertaining to such matter, and to admit or
 17 deny the allegations of the bill of complaint in reference thereto in accordance
 18 with the truth as the same may be ascertained by such defendant.

Sec. 777. WHEN ANSWER TO BE UNDER OATH—EFFECT AS EVIDENCE.] When-
 2 ever any complainant shall verify his bill by an affidavit that the matters and
 3 things therein contained are true in substance and in fact, excepting such matters
 4 as are therein stated to be alleged upon information and belief, and that as to
 5 such matters so stated he believes them to be true, the defendant, unless he de-
 6 fends as the trustee or conservator of an idiot, habitual drunkard, lunatic or dis-
 7 tracted person or as the executor, administrator, heir, legatee or devisee of any
 8 deceased person, or as the guardian or trustee of any such heir, legatee or de-
 9 visee, and has not obtained and can not obtain such knowledge of the matters al-
 10 leged in the bill as to enable him so to do, shall verify his answer by an affidavit

11 setting forth that the same is true in substance and in fact, except such matters
 12 as are therein stated to be alleged upon information and belief, and that as to such
 13 matters he believes the same to be true. But no such answer shall be evidence ex-
 14 cepting as against such defendant.

Sec. 778. DEMURRER, PLEA OR ANSWER TO PART—FORM.] The defendant may,
 2 as heretofore, demur to part and plead to or answer the residue of a bill, or may
 3 plead to part and answer the residue, or may demur to part, plead to part and
 4 answer the residue; and in such case such demurrer and plea or answer, or such
 5 plea and answer, or such demurrer, plea and answer, as the case may be, shall
 6 conform, as near as may be, to the forms of demurrer, plea and answer herein-
 7 before prescribed. The following form of demurrer to a part, plea to a part and
 8 answer to the residue of a bill of complaint, with a specification of the court, the
 9 title, classification and number of the action, shall be deemed a sufficient form
 10 of demurrer to part, plea to part and demurrer to the residue of a bill of com-
 11 plaint and shall be taken as furnishing suggestions from which other such papers
 12 may be properly framed:

13 DEMURRER TO PART, PLEA TO PART AND ANSWER TO RESIDUE OF BILL OF COMPLAINT.

14 *First*—To paragraphs 3, 9 and 10, and to that portion of paragraph 4 which
 15 reads as follows (here insert language of that part of paragraph 4 demurred
 16 to), the plaintiff demurs on the following grounds:

- 17 1. Insufficiency in law.
- 18 2. Statute of frauds. (Here insert affidavit of attorney.)

19 *Second*—To paragraphs 5, 6 and 7 and to paragraph 11, excepting the fol-
 20 lowing portion thereof (here insert portion of paragraph 11 not pleaded to), the
 21 defendant pleads the following facts: (Here set forth facts pleaded, the same
 22 to be signed and verified by the affidavit of the defendant.)

Third—To the residue of the bill plaintiff answers as follows:

1. That he admits paragraphs 1, 2 and 8.

2. That he admits so much of paragraph 4 as is not above demurred to.

3. That he denies all of paragraph 11 excepting the portion above pleaded to.

4. That he denies paragraphs 12 and 13.

5. That (in this and in subsequent paragraphs, each alleging a single and distinct fact, set forth briefly and concisely additional matters of defense explanatory of or in addition to the matters set forth in the preceding paragraphs).

RICHARD ROE,

By THOMAS JONES,

His Attorney.

Sec. 779. EXCEPTIONS TO ANSWER—FORM.] Exceptions may be taken to an

answer for scandal or impertinence, or for insufficiency, and shall be filed within seven days after the filing of the answer and the service of a copy thereof upon the plaintiff, unless the time for the filing of the same shall be extended by the court or by the agreement of the parties. They shall be in the form, as near as may be, prescribed for exceptions taken to a bill of complaint, excepting that every exception for insufficiency shall set forth wherein the paragraph or portion thereof excepted to is insufficient. Exceptions for scandal or impertinence may be filed before exceptions for insufficiency and, if not so filed, shall be deemed waived. If an exception be to an answer to an interrogatory the same shall set forth the number of the interrogatory and shall state wherein the answer is insufficient. Exceptions to an answer shall be accompanied by an affidavit of the plaintiff's attorney, or one of the plaintiff's attorneys, that the same are not interposed for delay and that he believes the same to be well founded in law. The clerk shall refuse to receive or file any exceptions not accompanied by such affidavit. The following form, with a specification of the court and the title,

19

20 The plaintiff excepts to the following portions of the answer of the defendant
21 for insufficiency:

1. Paragraph 3 is insufficient because (here state in what the insufficiency consists).

24 2. That portion of paragraph 4 which reads as follows: (here insert lan-
25 guage excepted to) is insufficient because (here state in what the insufficiency
26 consists).

3. All of paragraph 11, excepting the following portion thereof (here inserted the portion of paragraph not excepted to) is insufficient because (here state in what the insufficiency consists).

30 4. The answer to interrogatory 10 is insufficient because (here state in what
31 respect the answer is insufficient).

32 HENRY SMITH,
33 *Plaintiff's Attorney.*

34 AFFIDAVIT.

Henry Smith, the attorney for the plaintiff, on his oath says that the foregoing exceptions are not interposed for delay and that he believes the same to be well founded in law.

38 HENRY SMITH.

39 Subscribed and sworn to before me this 11th day of July, 1910.

40 JOHN SMITH, *Clerk.*

Sec. 780. FRIVOLOUS OR VEXATIOUS PLEADING.] When any objection taken to
2 the form of any pleading, or any demurrer or exception, is overruled, the court,
3 if, in its opinion, such objection has been made, or such demurrer or exception
4 has been filed, frivolously or vexatiously, may award the party to whose pleading

5 such objection has been made, or such demurrer or exception filed, and against
 6 the party by whom the same has been made or filed, a sum not exceeding ten
 7 dollars (\$10) as costs, and whenever any objection taken to the form of any
 8 pleading, or any demurrer or exception, has been sustained, the court, if, in its
 9 opinion, the pleading, or portion thereof, to which such objection, demurrer or
 10 exception has been sustained was frivolous or vexatious, may award, in favor of
 11 the party making such objection or filing such demurrer or exception, and
 12 against the party to whose pleading, or portion thereof, it has been sustained,
 13 a sum not exceeding ten dollars (\$10) as costs.

Sec. 781. REPLICATIONS ABOLISHED—AMENDMENT OF BILL TO MEET ALLEGA-
 2 TIONS OF ANSWER—WHEN CAUSE DEEMED AT ISSUE—HEARING ON BILL AND ANSWER.]
 3 Hereafter it shall be unnecessary to file any replication to an answer. When
 4 the answer contains matters which the plaintiff deems it necessary or expedi-
 5 ent to confess and avoid, or meet otherwise than by denial, he may set up such
 6 matters of confession and avoidance or other matters by an amendment or
 7 amendments of his bill. Upon the filing of the answer the cause shall be deemed
 8 at issue and stand for hearing, unless exceptions shall be filed thereto, or unless
 9 the plaintiff shall amend his bill, in which case the cause shall be deemed at
 10 issue upon the filing of the amendment or amendments to the bill, unless the
 11 court shall otherwise direct. Upon the application of the plaintiff the cause
 12 may be set for hearing upon the bill and answer, in which case the answer shall
 13 be taken as true and no evidence shall be received unless it be a matter of
 14 record to which the answer refers.

Sec. 782. BILLS OF REVIVOR ABOLISHED—SUBSTITUTION OF PARTIES.] Bills of re-
 2 vivor are hereby abolished. Upon the death of any party plaintiff or any party
 3 defendant, or upon the resignation or removal of any party acting as executor,
 4 administrator, guardian, conservator, trustee or in any other representative ca-
 5 pacity, the death, resignation or removal, as the case may be, may be suggested

6 and made to appear to the court and the heir, devisee, administrator, executor or
 7 successor in office of such party may be substituted by an order of the court in
 8 place of such party as a plaintiff or defendant, as the case may be, and the ac-
 9 tion thereupon proceed and be determined as if the party or parties so substituted
 10 had been originally a party or parties to such action.

Sec. 783. SUPPLEMENTAL BILL—WHEN FILED—REQUISITES—FORM.] A supple-
 2 mental bill may be filed for the purpose of bringing before the court material
 3 matters which have occurred since the filing of the original bill, but no such bill
 4 shall be filed without leave of court. It shall contain an introduction stating that
 5 the plaintiff in the original bill, or, if an additional party plaintiff is made by
 6 such supplemental bill, that the original plaintiff, together with such additional
 7 plaintiff, brings or bring his or their supplemental bill of complaint by leave of
 8 court, against the defendant in the original bill, or if an additional party de-
 9 fendant is made by such supplemental bill, the same shall recite that it is brought
 10 by the plaintiff against the original defendant and such additional defendant,
 11 naming him, and thereafter a narrative of the supplemental matters on which
 12 the plaintiff relies, and a prayer, such narrative and prayer to be framed, as
 13 near as may be, in accordance with the rules hereinbefore prescribed for an or-
 14 iginal bill. It shall omit any recital of the previous pleadings or proceedings and
 15 no instrument correctly set out in substance or embodied in full in any previous
 16 pleading, whether of the plaintiff or of any other party, shall be again set out,
 17 either in substance or in full, in a supplemental bill, but if such instrument be a
 18 necessary part of such supplemental bill it shall be made a part thereof by ap-
 19 propriate reference to such previous pleading. The following form shall be
 20 deemed a sufficient form of supplemental bill and shall be taken as furnishing
 21 suggestions from which other supplemental bills may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

22
 23 John Doe
 24 v.
 25 Richard Roe et al. } In Equity. No. 650.

26 SUPPLEMENTAL BILL OF COMPLAINT.

27 The plaintiff brings **this, his supplemental** bill of complaint, by leave of
 28 court, against the **defendants and** says:

29 1. That (in this and subsequent paragraphs, each alleging, as near as may be,
 30 a single and distinct fact, set forth briefly and concisely the supplemental matters).

31 Wherefore the plaintiff prays as follows:

32 (Here insert prayer.)

33 JOHN DOE,
 34 BY HENRY JAMES,
 35 *His Attorney.*

36 NOTE 1.

37 When the supplemental bill makes an additional party plaintiff the intro-
 38 duction may be in substantially the following form:

39 The plaintiff and William Doe, as additional plaintiff, bring this their sup-
 40 plemental bill of complaint, by leave of court, against the defendants and say:

41 NOTE 2.

42 When the supplemental bill makes additional parties defendant, or there is
 43 a substitution of parties, the above form of introduction may be varied from ac-
 44 cordingly.

Sec. 784. AMENDMENTS TO PLEADINGS—HOW FRAMED—FORM.] Amendments
 2 to bills of complaint and to other pleadings may be filed by leave of court. Such
 3 amendments shall be framed in accordance with the provisions of section seven
 4 hundred fifty-two (752) of this act. The following forms shall be deemed suffi-
 5 cient forms of amendments of bills of complaint and shall be taken as furnish-
 6 ing suggestions from which other amendments of bills of complaint or other
 7 pleadings may be properly framed:

1. AMENDMENT CHANGING READING OF PORTIONS OF BILL.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe et al.

} In Equity. No. 650.

AMENDMENT TO BILL OF COMPLAINT.

The plaintiff, by leave of court, amends his bill so that paragraphs 1 and 7 shall read as follows:

1. (Here insert paragraph 1 as amended.)

7. (Here insert paragraph 7 as amended.)

JOHN DOE,

By HENRY JONES,

His Attorney.

2. AMENDMENT CHANGING READING OF PORTION OF BILL AND ADDING NEW PARAGRAPHS.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe et al.

} In Equity. No. 650.

AMENDMENT TO BILL OF COMPLAINT.

The plaintiff, by leave of court, amends his bill of complaint as follows:

First—So that paragraph 1 shall read as follows:

1. (Here insert paragraph 1 as amended.)

Second—By adding thereto paragraphs to be numbered 12 and 13 as follows:

12. (Here insert new paragraph 12.)

13. (Here insert new paragraph 13.)

JOHN DOE,

By HENRY JAMES,

His Attorney.

Sec. 785. AMENDATORY AND SUPPLEMENTAL BILL.] An amendment to a bill or

cross-bill of complaint may be combined, in one paper, with a supplemental bill or

3 supplemental cross-bill and in such case such paper shall be called an amenda-
 4 tory and supplemental bill. The following form shall be deemed a sufficient form
 5 of amendatory and supplemental bill and shall be taken as furnishing suggestions
 6 from which other amendatory and supplemental bills may be properly framed:

7 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

8 John Doe
 v.
 9 Richard Roe et al. } In Equity. No. 650.

10 AMENDATORY AND SUPPLEMENTAL BILL OF COMPLAINT.

11 The plaintiff brings this, his supplemental and amendatory bill of complaint,
 12 by leave of court, against the defendants and says:

13 *First*—That he changes paragraph 3 so that the same shall read as follows:

14 3. (Here insert paragraph 3 as changed.)

15 *Second*—That he adds thereto paragraphs to be numbered 12 and 13 as
 16 follows:

17 12. (Here insert new paragraph 12.)

18 13. (Here insert new paragraph 13.)

19 JOHN DOE,

20 By HENRY JAMES,

21 *His Attorney.*

Sec. 786. BILL OF REVIEW—WHEN LEAVE OF COURT TO FILE NECESSARY.] A bill
 2 of review may be filed for the purpose of reversing or modifying a final order or
 3 decree previously entered for error in law apparent upon the face of such order
 4 or decree, or on account of new facts discovered subsequently to the entry thereof,
 5 and which could not, by the exercise of due diligence, have been discovered or
 6 used before the decree was made: *Provided, however,* that no bill of review
 7 shall be filed to reverse or modify a final order or decree for error in law appa-
 8 rent upon the face of such order or decree after the prosecution of an appeal or
 9 writ of error to reverse the same and the entry of the judgment of the supreme

10 court, or the appellate court, as the case may be, upon such appeal or writ of
 11 error affirming such final order or decree, and that no bill of review on account of
 12 new facts discovered shall be filed without leave of court.

Sec. 787. FORM AND REQUISITES OF BILL OF REVIEW — UNITING DIFFERENT
 2 GROUNDS IN SAME BILL.] A bill of review shall be framed in the form, as near as
 3 may be, in this act prescribed for other bills of complaint in equity. It shall state
 4 the former bill and the proceedings thereon; the decree and the point in which the
 5 party exhibiting the bill conceives himself aggrieved by it, and the ground of law
 6 or matter discovered upon which he seeks to impeach it. There may be united in
 7 one bill of complaint a bill of review for error in law, a bill of review on account
 8 of new facts discovered and an original bill to impeach the decree for fraud, or
 9 any two of them, but when one of the grounds of such bill is new facts discover-
 10 ed the same shall not be filed without leave of court.

Sec. 788. CROSS-BILL—LEAVE TO FILE UNNECESSARY—NO DISMISSAL OF ORIGINAL
 2 BILL WITHOUT CONSENT—NEW PARTIES.] Any defendant may, after filing his an-
 3 swer and without leave of court, file his cross-bill, but the plaintiff shall not be
 4 compelled to file his answer to any cross-bill until the defendant shall have filed
 5 a sufficient answer to the plaintiff's bill. No plaintiff shall be allowed to dis-
 6 miss his bill after a cross-bill has been filed without the consent of the defendant.
 7 Where it is necessary for the defendant to bring a new party before the court by
 8 his cross-bill he shall so state therein and such new party may be summoned or
 9 otherwise notified of the pendency of the action as the cross-plaintiff may indi-
 10 cate by a note at the foot of the cross-bill, and other proceedings may be had
 11 against such new party as in the case of other defendants.

Sec. 789. REQUISITES OF CROSS-BILL—SUBSEQUENT PLEADINGS.] A cross-bill of
 2 complaint shall contain an introduction stating that the cross-plaintiff, naming
 3 him, brings his cross-bill of complaint against one or more of the other par-

4 ties to the action or against one or more of the other parties to the action and
 5 other persons, as the case may be, naming or otherwise describing him or them,
 6 as cross-defendant, or cross-defendants, and thereafter a narrative of the ma-
 7 terial facts, matters and circumstances on which the cross-plaintiff relies, and
 8 the form thereof in other particulars shall be the same, as near as may be, as
 9 that hereinbefore prescribed with respect to a bill of complaint filed by the plain-
 10 tiff. It shall omit any recital of the previous pleadings or proceedings and no
 11 instrument correctly set forth in substance or embodied in full in the original
 12 bill or other previous pleading shall be again set out, either in substance or in
 13 full, in a cross-bill, but if such instrument be a necessary part of such cross-bill
 14 it shall be made a part thereof by appropriate reference to the original bill or
 15 other previous pleadings. The pleadings subsequent to the cross-bill and per-
 16 taining to the case made thereby and the forms, force and effect of such pleadings
 17 shall be the same, as near as may be, as those of the pleadings subsequent to
 18 the original bill pertaining to the case made thereby. The following forms of
 19 introductions to cross-bills of complaint shall be deemed sufficient and shall be
 20 taken as furnishing suggestions from which other introductions to cross-bills may
 21 be properly framed:

22 1. INTRODUCTION TO CROSS BILL BROUGHT BY THE SOLE DEFENDANT AGAINST THE
 23 SOLE PLAINTIFF.

24 CROSS BILL OF COMPLAINT.

25 The defendant, as cross plaintiff, brings this his cross-bill of complaint
 26 against the plaintiff, as cross-defendant, and says:

27 2. INTRODUCTION TO CROSS BILL BROUGHT BY ONE OF SEVERAL DEFENDANTS
 28 AGAINST THE PLAINTIFF AND ALL OF THE OTHER DEFENDANTS.

29 CROSS BILL OF COMPLAINT.

30 The defendant Richard Roe, as cross plaintiff, brings this, his cross-bill of
 31 complaint against the plaintiff and all of the other defendants to the action, as
 32 cross-defendants, and says:

3. INTRODUCTION TO CROSS BILL BROUGHT BY ONE DEFENDANT AGAINST THE PLAINTIFF, A PORTION OF THE OTHER DEFENDANTS AND THIRD PERSONS.

CROSS BILL OF COMPLAINT.

The defendant Richard Roe, as cross plaintiff, brings this his cross-bill of complaint against the plaintiff, the defendants, Henry Roe and Jane Roe, and also James Smith and Henry Brown, as cross defendants, and says:

Sec. 790. CROSS-BILL CONTAINING MATTERS NOT GERMANE TO ORIGINAL BILL—

RIGHT OF CROSS-PLAINTIFF.] Hereafter it shall not be a valid objection to any cross-bill that the matters therein sought to be litigated, or any portion thereof, are not germane to the matters sought to be litigated in the original bill, but it shall be the right of any cross-plaintiff to seek any relief by his cross-bill with respect to the property or any portion thereof which is in controversy under the original bill, when such relief may be more conveniently obtained by such cross-plaintiff by such cross-bill than by an independent action.

Sec. 791. CROSS-BILL MAY BE UNITED WITH ANSWER—HOW FRAMED—PLAINTIFF

TO ANSWER.] The defendant, if he so elect, may unite a cross-bill with his answer as one pleading, in which case, after the conclusion of that portion of such pleading which constitutes the answer, the subsequent portion thereof shall specify that it is a cross-bill and that the defendant, as cross-plaintiff, brings his cross-bill against the plaintiff, as cross-defendant (or, if other parties to the action or other persons not parties to the action are made cross-defendants, it shall be so specified), and thereafter shall follow a narrative of the material facts, matters and circumstances on which the cross-plaintiff relies and a prayer for relief, such narrative and prayer to be framed, as near as may be, in accordance with the rules in this act prescribed for the framing of the narrative and prayer of the bill of complaint; but the narrative shall contain no repetition of facts, matters and circumstances previously set forth in the answer, but such facts, matters and circumstances so set forth shall, without further allegation,

15 be taken and treated as a part of such cross-bill. When any such cross-bill is
 16 united with an answer the complainant shall be bound to except, demur, plead
 17 or answer thereto in the same manner as if it had been filed as a separate
 18 pleading.

Sec. 792. FORM OF ANSWER COMBINED WITH CROSS-BILL.] The following form
 2 of answer combined with a cross-bill shall be deemed a sufficient form therefor
 3 and shall be taken as furnishing suggestions from which other forms of such
 4 pleadings may be properly framed:

5 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

6 John Doe
 7 v. Richard Roe et al. } In Equity. No. 650.
 8 ANSWER TO BILL OF COMPLAINT.

9 The defendant Richard Roe, answering to the bill, says:

- 10 1. That he admits paragraphs 1, 2, 3, 7 and 8 thereof.
 11 2. That he denies paragraphs 4, 5 and 6 thereof.
 12 3. That (in this and in subsequent paragraphs, each alleging a single and
 13 distinct fact, set forth briefly and concisely additional matters of defense ex-
 14 planatory of, or in addition to, the matters set forth in the preceding para-
 15 graphs).

16 CROSS-BILL OF COMPLAINT.

17 The defendant Richard Roe, as cross-plaintiff, also brings this his cross-
 18 bill of complaint against the plaintiff, the defendants William Roe and Henry
 19 Roe and also Thomas Jones, as cross-defendants, and says:

- 20 1. That (in this and in subsequent paragraphs, each alleging a single and
 21 distinct fact, set forth briefly and concisely the facts and circumstances in addi-
 22 tion to those specified in the answer upon which the cross-plaintiff relies for
 23 relief).

24 Wherefore the cross-plaintiff prays as follows:

25 (Here set forth prayer.)
 26

27 RICHARD ROE,
 28 By THOMAS JONES,
 His Attorney.

NOTE.

29

30 The clerk will issue a summons to the cross-defendant Thomas Jones for
31 his appearance on August 16, 1908.

Sec. 793. PERSON NOT A PARTY NOT TO BECOME PARTY WITHOUT CONSENT—BILL
2 OF INTERVENTION—REQUISITES—FORM.] No person not made a party to a bill of
3 complaint or cross-bill of complaint shall be permitted, of his own motion, to
4 become a party to such bill without the consent of the plaintiff or cross-
5 plaintiff, as the case may be, but when any person not made a party to an ac-
6 tion in equity conceives himself to be interested in the subject matter thereof, he
7 may, by leave of the court in which such action is pending, be permitted to in-
8 tervene therein by filing therein a bill of intervention, and thereafter such pro-
9 ceedings shall be had, as near as may be, as if such party had been made a party
10 defendant in such action and had filed a cross-bill. Such bill of intervention
11 shall contain an introduction stating that the intervening plaintiff files his bill
12 of intervention, by leave of court, against the defendants, which defendants shall
13 be all the parties to the action, and such other persons as the intervening plain-
14 tiff may elect to make defendants to such bill of intervention, and thereupon it
15 shall be framed in compliance, as near as may be, with the rules in this act pre-
16 scribed for the framing of a cross-bill. If new parties are made defendants
17 and are to be summoned or notified by publication of the pendency of the action,
18 the intervening plaintiff shall so specify in a note at the end of such bill of inter-
19 vention. The following form shall be deemed a sufficient form of a bill of in-
20 tervention and shall be taken as furnishing suggestions from which other bills
21 of intervention may be properly framed:

22 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23 John Doe
24 v.
24 Richard Roe et al. } In Equity. No. 650.

25

BILL OF INTERVENTION.

26 The intervention plaintiff, Thomas Smith, by leave of court, brings this his
27 bill of intervention against the plaintiff and the defendants in the action, and

28 also against Thomas Jones, as intervention defendants, and says:

29 1. That (in this and in subsequent paragraphs, each alleging a single and
30 distinct fact, set forth briefly and concisely the facts and circumstances upon
31 which the intervention plaintiff relies for relief).

32 Wherefore the intervention plaintiff prays as follows:

33 (Here set forth prayer.)

34 THOMAS SMITH,

35 By SOLOMON WRIGHT,

36 *His Attorney.*

37 Thomas Smith on his oath says that the matters and things alleged in the
38 foregoing bill are true to the best of his knowledge, information and belief.

39 THOMAS SMITH.

40 Subscribed and sworn to before me this 24th day of February, 1908.

41 JOHN SMITH, *Clerk.*

42 NOTE.

43 The clerk will issue a summons to the intervention defendant Thomas Jones
44 for his appearance on August 27, 1908.

Sec. 794. COPIES OF PLEADINGS TO BE SERVED.] Upon the filing by any party
2 of a pleading subsequent to the original bill of complaint of the plaintiff, the
3 party filing the same shall forthwith cause notice of such filing, together with a
4 copy of the pleading so filed, to be served upon the adverse party, or upon each
5 group of adverse parties who shall have entered separate appearances.

Sec. 795. TIME FOR FILING PLEADINGS SUBSEQUENT TO SUPPLEMENTAL OR CROSS-
2 BILL—TIME MAY BE ENLARGED OR SHORTENED.] Every pleading subsequent and
3 pertaining to any amended bill, supplemental bill, cross-bill or bill of interven-
4 tion shall be filed within ten days after the filing of the previous pleading, or,
5 in case such previous pleading consists of exceptions or a demurrer, within ten
6 days after the disposition thereof by the court: *Provided, however, that the*

7 court may, in its discretion, upon reasonable notice to the party to be affected
 8 thereby, either enlarge or shorten the time in which the pleading shall be filed;
 9 and, *provided further*, that any person made a party to such amended bill, sup-
 10 plemental bill, cross-bill or bill of intervention who was not previously thereto a
 11 party to the action shall be allowed the same time for pleading thereto as is al-
 12 lowed by this act to a party to an original bill for pleading to the same.

Sec. 796. TIME FOR EXCEPTING, ETC., MAY BE EXTENDED OR SHORTENED.] The
 2 court may, by special order or by general rules, extend or shorten the time for
 3 excepting, demurring, pleading or answering.

Sec. 797. REPETITIONS PROHIBITED—ELECTION TO TREAT PREVIOUS PLEADINGS AS
 2 ANSWER—WRITTEN INSTRUMENTS NOT TO BE REPEATED—FORM.] Any party required
 3 to answer any amended bill, supplemental bill, cross-bill, bill of intervention or
 4 other pleading requiring an answer, shall not repeat therein any matters alleged
 5 in any previous pleading filed by him. When the previous pleadings of such
 6 party set forth all the facts and circumstances relied upon by him as an answer
 7 to such amended bill, supplemental bill, cross-bill, bill of intervention, or other
 8 pleading requiring an answer, he may, when an answer on oath is not required,
 9 elect that his previous pleadings stand as such answer, and his failure to file an
 10 answer, in addition to such previous pleadings, within the time hereinbefore pre-
 11 scribed for the filing of the same, shall, without any order of court, be treated
 12 as such election by him. When such party elects to file an answer in addition
 13 to his previous pleadings and there are any facts or circumstances set forth in
 14 his previous pleadings which are material in such answer, such answer may
 15 refer to such previous pleadings by specifying either such pleadings in their en-
 16 tirety or such paragraphs thereof as are material in such answer, and the same
 17 shall thereupon be treated as a part of such answer. No written instrument cor-
 18 rectly set out in substance or embodied in any previous pleading of such party
 19 or of any other party shall be again set out in such answer, but if such written

instrument be a necessary part of such answer it shall be made a part thereof by appropriate reference to the pleadings in which it is so correctly set out in substance or embodied. The following shall be deemed a sufficient form of answer provided for by this section, and shall be taken as furnishing suggestions from which other answers may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } In Equity. No. 540.

ANSWER TO CROSS-BILL OF RICHARD ROE.

The cross-defendant, John Doe, answering to the cross-bill says:

1. That he relies upon all the facts and circumstances set forth in his original bill of complaint.

2. That he admits paragraphs 8, 9 and 10 of the cross-bill.

3. That he denies paragraphs 11, 12 and 13 thereof.

4. That (in this and in subsequent paragraphs, each alleging a single and distinct fact, set forth briefly and concisely, additional matters of defense explanatory of or in addition to the matters set forth in the preceding paragraphs).

JOHN DOE,

By HENRY SMITH,

His Attorney.

Sec. 798. COURT SUSTAINING DEMURRER TO POINT OUT DEFECTS—REPORT OF PROCEEDINGS—DUTY OF APPELLATE COURT OR SUPREME COURT UPON ERROR OR APPEAL.]

Before any demurrer to a bill of complaint, whether the same be an original bill, an amended bill, a cross-bill, a supplemental bill, a bill of review, or a bill of intervention, is sustained, the court, at the request of the plaintiff therein, shall, unless such bill is one incapable of being made good by amendment, specify the defects therein on account of which such demurrer is to be sustained and shall

8 afford the plaintiff an opportunity to amend the same, if he shall so elect, and,
 9 in such case, if the plaintiff shall not elect to amend his bill to remedy such
 10 defects, but shall tender to the judge a report of the proceedings specifying the
 11 defects pointed out by the court, the judge shall sign the same, and the supreme
 12 court or appellate court, as the case may be, upon appeal or writ of error taken
 13 or brought by such plaintiff, shall reverse the decree unless it shall appear to
 14 the reviewing court that the defects in the bill of complaint thus specified, or
 15 some one or more of them, are sufficient to justify the sustaining of such de-
 16 murrer, or that the said bill of complaint is incapable of being made good by
 17 an amendment.

Sec. 799. PROCEEDINGS AGAINST DEFENDANT NOT APPEARING OR ANSWERING.] If
 2 any defendant in any proceeding in equity, having been served with summons or
 3 personally notified as provided in this act, shall fail or refuse to appear or
 4 answer the bill of complaint, he may be attached or otherwise proceeded against
 5 according to the practice in equity in cases of contempt.

Sec. 800. VARIANCE BETWEEN PLEADINGS AND PROOFS NOT TO DEFEAT RELIEF—
 2 RIGHTS OF PARTIES TO BE DETERMINED FROM EVIDENCE—POWER OF COURT.] The plain-
 3 tiff, cross-plaintiff or intervention plaintiff, in an action in equity shall not be de-
 4 nied relief nor the defendant, cross-defendant, or intervention defendant, denied
 5 the benefit of any defense to which the evidence, including the admissions of the
 6 parties by their pleadings or otherwise, may show such plaintiff or defendant to
 7 be entitled to, because of any variance between the pleadings and the evidence,
 8 but in every such action the rights of the parties upon the final hearing shall be
 9 determined in accordance with the evidence, unless it be evidence of facts wholly
 10 foreign to the transactions involved in the controversy between the parties. In
 11 case there be a substantial variance between the pleadings and the evidence the
 12 court may, of its own motion, or at the request of either party, cause the plead-
 13 ings to be properly amended so as to conform to the evidence, or may, when the

14 proper protection of the rights of either party may seem to so require, postpone
 15 the hearing or permit the introduction of further evidence. But nothing herein
 16 contained shall be held to entitle any party to the benefit of the statute of lim-
 17 itations or statute of frauds unless he shall have claimed the benefit thereof by
 18 his pleadings.

Sec. 801. PRO CONFESSO ORDER AS TO DEFENDANT NOT APPEARING.] If any de-
 2 fendant who shall have been served with a summons or otherwise notified of the
 3 pendency of an action in equity shall fail to enter his appearance within the time
 4 prescribed by this act for such entry of appearance, or any defendant, after hav-
 5 ing entered his appearance, shall fail to file with the clerk, within ten days after
 6 the expiration of the time within which he is required to enter his appearance,
 7 exceptions, a demurrer, a plea or an answer to the bill of complaint, such bill of
 8 complaint may be taken as confessed by him, but no order taking the bill of com-
 9 plaint as confessed shall be entered as to any defendant who shall have entered
 10 his appearance without reasonable notice thereof, or upon its being made satis-
 11 factorily to appear to the court that service of such notice has been impracticable.

Sec. 802. PROOF WHEN BILL TAKEN AS CONFESSED — DECREE TO CONFORM TO
 2 PLEADING.] Where a bill is taken for confessed the court, before a final decree is
 3 made, if deemed requisite, may require the plaintiff to produce documents and
 4 witnesses to prove the allegations of his bill of complaint or may examine him on
 5 oath or affirmation touching the facts therein alleged. Such decree shall be made
 6 in either case as the court shall consider equitable and proper, but in any such
 7 case no decree shall be made which is not justified by the allegations of the plain-
 8 tiff's bill of complaint.

Sec. 803. PERMITTING DEFENDANT TO ANSWER AFTER DECREE PRO CONFESSO.]
 2 If any defendant, as to whom the bill of complaint has been taken pro confesso,
 3 shall appear within forty days thereafter and offer to file his answer to the bill

4 of complaint the court may permit him to do so upon his showing sufficient cause
 5 and paying all the costs of the action incurred by the plaintiff prior thereto. In
 6 such case the decree shall be vacated and the action may be proceeded in as in
 7 other cases.

Sec. 804. RIGHTS OF PARTIES NOT SUMMONED OR NOT RECEIVING NOTICE—POW-
 2 ER OF COURT.] When any final decree shall be entered against any defendant who
 3 shall not have been served with summons, or, if notified by publication of notice
 4 only, shall not have received the notice required to be sent him by mail and such
 5 person, his heirs, devisees, executors, administrators or other legal representa-
 6 tives, as the case may require, shall, within one year after notice in writing given
 7 him or them of such decree, or within three years after such decree, if no such
 8 notice shall have been given aforesaid, appear in open court and petition to be
 9 heard touching the matter of such decree and shall pay such costs as the court
 10 shall deem reasonable in that behalf, the person so petitioning may appear and
 11 answer the plaintiff's bill of complaint and thereupon such proceedings shall be
 12 had as if such defendant had appeared in due season and no decree had been
 13 made. And if it shall appear, upon the hearing, that such decree ought not to
 14 have been made against such defendant, the same shall be set aside, altered or
 15 amended as shall appear just; otherwise the same shall be ordered to stand con-
 16 firmed against said defendant. The decree shall, after three years from the mak-
 17 ing thereof, if not set aside in the manner aforesaid, be deemed and adjudged
 18 confirmed against such defendant and all persons claiming under him by virtue
 19 of any act done subsequent to the commencement of such action; and at the end
 20 of the said three years the court may make such further order in the premises as
 21 shall be required to carry the same into effect.

Sec. 805. HEARING UPON BILL AND ANSWER—REFERENCE TO MASTER—TRIAL BY
 2 JURY.] When an action shall be at issue by the filing of the answer the same
 3 may, upon the application of the plaintiff, be set for hearing upon the bill and

4 answer, in which case the answer shall be taken as true, and no evidence shall be
 5 received unless it be a matter of record to which the answer refers. If the action
 6 be not set for hearing upon bill and answer, the court shall proceed to hear the
 7 same upon pleadings and proofs heard in open court, or may refer the action to
 8 a master in chancery or special commissioner to take and report the evidence,
 9 with or without his conclusions thereon. The court may also, in its discretion,
 10 when any action is at issue, direct an issue or issues to be tried by a jury when-
 11 ever it shall be judged necessary in any action in equity pending therein. In all
 12 other actions in equity the mode of trial shall be the same as has been heretofore
 13 practiced in courts of equity.

Sec. 806. EVIDENCE HEARD TO BE AVAILABLE UNDER SUBSEQUENT PLEADINGS—

2 RIGHTS OF PARTIES.] Whenever, in any action in equity, evidence shall be heard
 3 respecting the issues made under the original bill of complaint, or under any sub-
 4 sequent pleadings, such evidence shall be considered in the determination of the
 5 issues under any subsequent supplemental bill, cross-bill or amended pleading,
 6 so far as such evidence may be pertinent to such issues, reserving to the respec-
 7 tive parties, both those properly before the court at the time such evidence was
 8 heard and those subsequently brought before the court, the right to supplement
 9 the same by such further examination or cross-examination of the witnesses al-
 10 ready heard, or by the testimony of such additional witnesses as may appear to
 11 be necessary and proper.

Sec. 807. PROCEDURE IN ACTION TO OBTAIN DECLARATION OF RIGHTS, ETC.] In

2 an action in equity to obtain a declaration respecting the rights, duties or lia-
 3 bilities of any one or more of the parties to the action with respect to any other
 4 party or parties as to any contract in writing, whether under seal or not under
 5 seal, or as to any last will and testament, or as to any other matter in which
 6 they, or any or either of them, are or claim to be interested, the court in which
 7 the same is pending shall observe, as near as may be, the following rules:

8 *First*—ACTION BROUGHT IN BAD FAITH OR COLLUSIVELY.] Whenever the
 9 court is satisfied that the action is brought in bad faith and not for the sole pur-
 10 pose of obtaining a declaration respecting the rights, duties or liabilities specified
 11 in the bill, the court shall dismiss the same.

12 *Second*—COURT TO MAKE DECLARATION.] Unless the action be dismissed as
 13 having been brought in bad faith and not for the sole purpose of obtaining such
 14 declaration, or unless the same be dismissed for other good cause, the court
 15 shall, on final hearing, enter a decree declaratory of the rights, duties or liabili-
 16 ties of the respective parties with respect to the matters set forth in the bill as
 17 to which such declaration is sought.

18 *Third*—EFFECT OF DECREE.] The decree thus declaring the rights, duties
 19 and liabilities of the respective parties shall be conclusive, in all subsequent ac-
 20 tions, whether at law or in equity, as to the rights, duties and liabilities of the
 21 respective parties with respect to the matters in question embraced in such
 22 decree.

23 *Fourth*—OTHER MATTERS OF PROCEDURE.] Excepting as is in this act other-
 24 wise provided, the procedure in any such action, so far as the same is not regu-
 25 lated by this section, shall be the same, as near as may be, as in other actions
 26 in equity, with such variations therefrom as the court in which the action is
 27 pending may deem necessary to a speedy determination of the action upon its
 28 merits.

Sec. 808. PROCEDURE IN ACTION TO TEST VALIDITY OF LAW, CONSTITUTIONAL
 2 AMENDMENT OR ORDINANCE.] In an action in equity brought to test the validity
 3 of a law passed, or claimed to have been passed, by the General Assembly, a
 4 constitutional amendment adopted, or claimed to have been adopted, by the
 5 people of this state, or of an ordinance adopted, or claimed to have been adopted,
 6 by any municipal corporation of this state, the court in which the same is
 7 brought originally, or to which the same has come by appeal or writ of error,
 8 shall observe, as near as may be, the following rules:

9 *First*—ACTION BROUGHT IN BAD FAITH OR COLLUSIVELY.] Whenever the
 10 court is satisfied that the action is brought in bad faith, or that the same has
 11 been brought collusively, the court shall dismiss the same, unless the court
 12 shall be satisfied that the public good will be subserved by a declaration of the
 13 court respecting the matters sought to be litigated in the action.

14 *Second*—WHEN SUPREME COURT MAY REQUIRE NOTICE TO BE GIVEN.] When the
 15 action is pending in the supreme court the court may, in its discretion, require
 16 such notice to be given or published of the pendency of the action and of the
 17 question involved therein as the court may deem proper or expedient.

18 *Third*—THIRD PARTIES TO BE PERMITTED TO PRESENT ARGUMENTS.] When
 19 the action is pending in the supreme court the court may permit third persons to
 20 present and file arguments therein to such an extent as the court may deem
 21 necessary to secure a full and complete argument and investigation of the case
 22 in said court.

23 *Fourth*—COURT TO MAKE DECLARATION.] Unless the action shall be dismissed
 24 as having been brought in bad faith, or as having been collusively brought, or
 25 unless the same be dismissed for other good cause, the court shall, on final hear-
 26 ing, enter a decree declaring such law, constitutional amendment or ordinance
 27 in question in the suit to be valid, if the same is wholly valid, or declaring it in-
 28 valid, if the same is wholly invalid, or declaring it partly valid, specifying in
 29 the decree the valid part or parts, and partly invalid, specifying in the decree
 30 the invalid part or parts.

31 *Fifth*—EFFECT OF DECREE.] A decree of a court of original jurisdiction,
 32 other than the supreme court, declaring valid or invalid, in whole or in part, such
 33 law, constitutional amendment or ordinance, shall have no force or effect ex-
 34 cepting as between the immediate parties to the action; but a decree of the su-
 35 preme court, in an action brought therein by virtue of its original jurisdiction
 36 or by appeal or writ of error, declaring such law, constitutional amendment or
 37 ordinance valid or invalid, in whole or in part, or, a judgment of the supreme

38 court affirming upon appeal or writ of error a decree of a court of original juris-
 39 diction declaring such law, constitutional amendment or ordinance valid or in-
 40 valid, in whole or in part, or reversing a decree of a court of original jurisdic-
 41 tion and entering in lieu thereof a decree declaring such law, constitutional
 42 amendment or ordinance valid or invalid, in whole or in part, shall be final and
 43 conclusive as to all contracts made, acts done or rights or liabilities accruing
 44 under such law, constitutional amendment or ordinance subsequent to the entry
 45 of such final decree or judgment of the supreme court, such judgment, however,
 46 to be without prejudice to any subsequent adjudication by any court of this
 47 state respecting any contracts made, act done or right or liability accruing
 48 prior to the entry of such judgment.

49 *Sixth*—OTHER MATTERS OF PROCEDURE.] Excepting as is in this act otherwise
 50 provided, the procedure in any such action, so far as the same is not regulated
 51 by this section, shall be the same, as near as may be, as in other actions in equity,
 52 with such variations therefrom as the court in which the action is pending may
 53 deem necessary to a speedy determination of the action upon its merits.

Sec. 809. HEARING IN CAMERA.] Any court having jurisdiction of actions
 2 in equity may order that the papers in any such action brought therein be
 3 sealed and the inspection thereof by third persons prohibited, and the action
 4 may be heard and determined by the court in private.

Sec. 810. PROCEDURE IN MATTERS NOT PROVIDED FOR.] In all matters not pro-
 2 vided for by this act, the procedure shall be in accordance with such rules as
 3 may be adopted by the respective courts in accordance with the provisions of this
 4 act, and, when no provision is made by this act or by such rules, then as
 5 nearly in accordance with the general usage and practice of courts of equity as is
 6 consistent with the general spirit and intention of this act.

DIVISION XLI.

PROCEEDINGS BEFORE MASTERS.

SECTION

- 811. When references to master may be ordered.
- 812. Procedure before master—notice to parties—postponements.
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SECTION

- 821. Matters to be heard by master without reference.
- 822. Objections and exceptions to master's report unnecessary—all meritorious objections preserved—exception as to statement of account.
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- 824. Division of business among masters.
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- 827. Master's report of sale—requisites—forms.
- 828. Other duties to be performed by masters—services in county and probate courts.
- 829. Other matters of procedure before masters.

Sec. 811. WHEN REFERENCES TO MASTER MAY BE ORDERED.] References to a

2 master in chancery may be ordered by the court for any one or more of the fol-
3 lowing purposes:

4 *First*—FOR TAKING EVIDENCE.] For the taking of evidence and reporting the
5 same in any action in equity, or in any action at law in which neither party
6 has filed a demand in writing of a trial by jury.

7 *Second*—DETERMINATION OF ISSUES.] For the determination of issues of
8 fact, arising in any action in equity, or in any action at law in which neither
9 party has filed a demand in writing of a trial by jury.

10 *Third*—MOTION TO POSTPONE.] For the hearing and determination of a
11 motion to postpone the trial or hearing of any action at law or action in equity,
12 or to postpone the trial or hearing of any interlocutory matter therein.

13 *Fourth*—MOTION AS TO INJUNCTION.] For the hearing and determination of
 14 a motion to grant an injunction order, or to modify, change or dissolve an in-
 15 junction order already granted.

16 *Fifth*—MOTION AS TO RECEIVERSHIP.] For the hearing and determination of
 17 a motion for the appointment of a receiver, or for the vacation of an order ap-
 18 pointing a receiver, the hearing and determination of any claim against a re-
 19 ceiver or against the estate of which he is receiver, the examination of a re-
 20 ceiver's report, or the hearing and determination of any other matter pertain-
 21 ing to a receivership which, in the opinion of the court, may be more con-
 22 veniently, expeditiously and advantageously heard and determined by a refer-
 23 ence to a master than without such reference.

24 *Sixth*—MOTION AS TO ALIMONY OR SOLICITOR'S FEES.] For the hearing and
 25 determination of a motion in an action for divorce or an action for separate
 26 maintenance pertaining to the allowance, disallowance, increase or diminution
 27 of alimony, or for the allowance of solicitor's fees, or pertaining to the en-
 28 forcement, by attachment or otherwise, of any order pertaining to the payment
 29 of alimony or solicitor's fees.

30 *Seventh*—MOTION TO AMEND.] For the hearing and determination of a
 31 motion to amend any paper or record entry.

32 *Eighth*—MOTION AS TO INTERROGATORIES.] For the hearing and determination
 33 of a motion for leave to file additional interrogatories, a motion to suppress
 34 interrogatories already filed, or a motion for an order for the appearance of
 35 any person to answer interrogatories, or any other matter pertaining to inter-
 36 rogatories which, in the opinion of the court, may be more conveniently, ex-
 37 peditiously and advantageously heard and determined by a reference to a master
 38 than without such reference.

39 *Ninth*—MOTION AS TO EXAMINATION OF WITNESSES OR INSPECTION OF PREMISES.]
 40 For the hearing and determination of a motion for the taking of testimony or
 41 the inspection of machinery, buildings or premises.

42 *Tenth*—MOTION AS TO COSTS.] For the hearing and determination of a
43 motion to re-tax costs.

44 *Eleventh*—OTHER MATTERS.] For the hearing and determination of any
45 other matter in an action in equity or in an action at law which, in the opinion
46 of the court, may be more conveniently, expeditiously and advantageously heard
47 and determined by a reference to a master than without such reference.

Sec. 812. PROCEDURE BEFORE MASTER—NOTICE TO PARTIES—POSTPONEMENTS.]

2 Upon the hearing before a master in any matter which may be referred to him
3 as hereinbefore provided the master shall proceed in like manner, as near as
4 may be, as if the matter were heard in open court, giving such notice to the
5 parties of the hearings before him as he may deem reasonable and necessary
6 and allowing such postponements as he may deem proper.

Sec. 813. DUTY OF MASTER—CONFINING EVIDENCE TO MATTERS IN DISPUTE—

2 DUTY OF PARTIES—VEXATIOUS CONDUCT—PENALTY.] Before the introduction of
3 any evidence in an action in which the reference directs the master to take the
4 evidence and report the same, or to take the evidence and report his conclu-
5 sions as to the facts, or as to the law and the facts, the master shall ascertain
6 from the pleadings and other papers in the action, *first*, the facts admitted by
7 the respective parties, and, *second*, the facts in dispute between them as shown
8 by the pleadings and other papers, and shall endeavor to secure from the
9 parties such admissions respecting facts in dispute by the pleadings or other
10 papers, or of material evidentiary facts, as may be practicable, and shall limit
11 the evidence to such as may be pertinent to the facts actually in dispute. If
12 facts appearing from the pleadings or other papers to be in dispute are agreed
13 upon before the master, the master shall so note and shall not receive any evi-
14 dence respecting such facts, unless the same be competent with respect to other
15 facts in dispute. If, upon the final hearing, it shall appear that any party has
16 vexatiously and wilfully refused to admit any fact respecting which there was

17 no real or substantial dispute, the court may award against such party and in
 18 favor of the opposite party as costs, in addition to the costs of the action, such
 19 sum, not exceeding fifty dollars (\$50), as the court may deem reasonable, and
 20 may enforce the payment thereof by attachment or other appropriate process.
 21 Evidence heard before the master may be taken down stenographically and a
 22 transcript thereof, with the requisite number of carbon copies, thereafter
 23 made, or it may be written, with the requisite number of carbon copies, upon
 24 the type-writer in the first instance without being taken down stenographically,
 25 as the parties to the action may agree, or, in case of disagreement, as the master
 26 may determine: *Provided, however,* that no transcript of the evidence heard
 27 before the master when the same is taken down stenographically need be made,
 28 unless the same be ordered by the parties to the action, or by one or more of
 29 them, or by the master, of his own motion, or unless the order of reference di-
 30 rects the master to take the evidence and report the same.

Sec. 814. WHEN TAKING OF EVIDENCE NOT TO BE POSTPONED ON ACCOUNT OF
 2 ENGAGEMENTS OF MASTER.] Upon a reference to any master to take evidence and
 3 report the same without his conclusions, the taking of such evidence shall not
 4 be delayed on account of other engagements, or the inability, from any cause,
 5 of such master to hear the same, but in any such case the taking of the evi-
 6 dence shall, at the demand of either party, proceed, at the time appointed
 7 therefor, or at such other time or times as may appear to be practicable, before
 8 any other master of the county who may be able to hear the same, or before
 9 any court stenographer who, in the opinion of the master, may be able to
 10 properly take the same under such supervision as other engagements of the
 11 master may enable the master to exercise.

Sec. 815. HOW MASTER'S REPORT FRAMED.] In the framing of his report made
 2 upon a reference the master shall observe, as nearly as may be practicable, the
 3 following rules:

4 *First*—SPECIFICATION OF COURT, TITLE, CLASSIFICATION, ETC.] The report
 5 shall specify the court in which the action is pending and the title, classification
 6 and number of the action, and shall state that it is the master's report in such
 7 action in pursuance of an order or decree of which it shall give the date.

8 *Second*—OMISSION OF RECITALS AS TO ORDER.] The report shall omit all re-
 9 citals concerning the order or decree of reference, other than the date thereof,
 10 and shall likewise omit all recitals of the hearings before the master: *Pro-*
 11 *vided, however,* that when, in the same action, there are several references of
 12 the same date, the master may add such further description of the order as may
 13 be necessary to clearly identify it.

14 *Third*—WHEN REFERENCE IS MERELY TO TAKE AND REPORT EVIDENCE.] If the
 15 reference be merely to take the evidence and report the same, the report shall
 16 be limited to a statement that the master has taken the evidence in accordance
 17 with the reference and that the same is thereto attached, and the evidence shall
 18 be accordingly attached to the report and returned therewith.

19 *Fourth*—WHEN REFERENCE IS TO TAKE EVIDENCE AND REPORT CONCLUSIONS IN
 20 ACTION IN EQUITY.] If the reference be to take the evidence and report the
 21 master's conclusions as to the facts only in an action in equity, the report shall
 22 be limited to a statement of the master's conclusions as to the facts, or, if the
 23 reference be to take the evidence and report his conclusions as to the law and
 24 the facts, the report shall be limited to a statement of the master's conclusions,
 25 (a) as to the facts, and, (b) as to the law of the case, without any argument
 26 in support thereof, and, in either case, it shall be divided into paragraphs
 27 numbered consecutively, each paragraph to contain the master's conclusions as
 28 to some one fact in issue between the parties, and, in case the reference re-
 29 quires the master to report his conclusions as to the law, the last paragraph
 30 shall contain a statement of the relief the master finds should be granted the
 31 parties, or such of them as the master may find to be entitled to relief, and, in
 32 case different items of relief are to be granted, the statement shall be sub-

33 divided into subdivisions numbered consecutively, each subdivision to specify a
34 single item of relief.

35 *Fifth*—WHEN REFERENCE IS TO TAKE EVIDENCE AND DETERMINE ISSUES IN AC-
36 TION AT LAW.] If the reference be to take the evidence and determine the
37 issues, or any of them, in an action at law, the report shall be limited to a state-
38 ment of the finding or findings of the master as to the issue or issues so re-
39 ferred to him.

40 *Sixth*—WHEN REFERENCE PERTAINS TO INTERLOCUTORY MATTER.] If the refer-
41 ence be for the hearing and determination of any interlocutory matter not in-
42 cluded in the foregoing, the report shall be limited to a brief statement of the
43 finding or determination of the master framed, as near as may be, in accord-
44 ance with the forms hereinafter prescribed.

45 *Seventh*—WHEN EVIDENCE NOT TO BE RETURNED.] Excepting where the
46 reference is one merely to take the evidence and report the same, the evidence
47 shall not be returned with the report unless one or more of the parties shall so
48 request, or unless some party to the action, whose rights may be affected by
49 such report, is an infant, lunatic or other person not *sui juris*.

Sec. 816. DOCUMENTS, PAPERS, BOOKS OF ACCOUNTS, ETC.—HOW SET FORTH IN
2 REPORT—DUTY OF MASTER.] When any paper or document correctly set forth in
3 any pleading, or other paper constituting a part of the record, is referred to
4 in the evidence given before the master, such document shall not be set forth
5 at large in the report of the evidence, but shall be identified by appropriate
6 reference to the pleading or other paper, and the paragraph therein in which it
7 is contained. When any document not set forth in any pleading, or other
8 paper constituting a part of the record, is introduced before the master,
9 the master shall not embody such document in full in his report of
10 the evidence, but shall state the legal effect thereof: *Provided, how-*
11 *ever,* that when there is any dispute between the parties as to the legal effect
12 of such document, or as to the genuineness thereof, the master shall, upon the de-

13 mand of either party, embody a complete copy thereof in his report. When
 14 books of account are introduced in evidence the master shall not copy the same at
 15 large in his report, but shall state the result thereof: *Provided, however, that if*
 16 either party shall be dissatisfied with such conclusions the master shall copy in his
 17 report of the evidence such books of account or portions thereof as the party so
 18 dissatisfied may require, unless, in the opinion of the master, the demand of such
 19 party for the copying of such books or portions thereof is frivolous and vex-
 20 ations, in which case the master shall cause the matter to be submitted to the
 21 court for its consideration and the parties shall abide such order as the court
 22 may make in the premises.

Sec. 817. EXHIBITS OR DOCUMENTS NOT TO BE RETURNED WITH REPORT—EXCEP-
 2 TION.] The master shall not return with his report any exhibits or documents
 3 introduced in evidence, unless the genuineness of such exhibits or docu-
 4 ments is in dispute between the parties, but all such exhibits or documents, as
 5 to the genuineness of which there is no dispute between the parties, shall be men-
 6 tioned or embodied or otherwise specified in the report of the evidence in the man-
 7 ner hereinbefore stated.

Sec. 818. REPORT TO BE TYPEWRITTEN, ETC.] Every report shall be plainly
 2 typewritten and, when completed and signed by the master, shall be covered
 3 with a suitable cover upon which shall be written the court in which the action
 4 is pending, the title, classification and number of the action and the statement that
 5 it is a master's report under a reference, giving the date of such reference and
 6 also the date of the report, and shall be securely fastened together with the
 7 evidence, if any, accompanying the same. A carbon copy of such report shall
 8 be delivered by the master to each party to the action, or to each group of parties
 9 entering a separate appearance.

Sec. 819. FORMS OF MASTER'S REPORTS UNDER ORDERS OF REFERENCE.] The fol-

lowing shall be deemed sufficient forms of master's reports under orders of reference:

1. MASTER'S REPORT UNDER REFERENCE IN ACTION IN EQUITY TO TAKE EVIDENCE AND REPORT CONCLUSIONS OF LAW AND FACT.

IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

John Doe
v.
Richard Roe et al. } In Equity. No. 215.

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The master makes the following findings:

1. That (here state some one fact found.)
2. That (here state some other fact found.)
3. That under the pleadings and facts thus found there should be a decree as follows:

a—That (here state some one provision of the decree.)

b—That (here state some other single provision of the decree, and so on in the succeeding subdivisions).

The evidence taken before me is hereto attached.

Dated at Springfield, Illinois, March 20, 1908.

WILLIAM BROWN,
Master in Chancery.

2. MASTER'S REPORT UNDER REFERENCE IN ACTION IN EQUITY TO TAKE THE EVIDENCE.

IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

John Doe
v.
Richard Roe et al. } In Equity. No. 210.

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The master has taken the evidence in pursuance of the above order and the same is hereto attached.

Dated at Springfield, Illinois, March 20, 1908.

WILLIAM BROWN,
Master in Chancery.

33 3. MASTER'S REPORT OF HIS CONCLUSIONS OF FACT WHEN PARTIES STIPULATE IN
34 WRITING THAT EVIDENCE NEED NOT BE REPORTED.

35 IN THE CIRCUIT COURT OF SANGAMON COUNTY, ILLINOIS.

36 John Doe
37 v. Richard Roe et al. } In Equity. No. 210.

38 MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

39 The master reports the facts as follows:

40 1. That (here state some one fact).

41 2. That (here state some other fact and so on in the succeeding para-
42 graphs).

43 In pursuance of the annexed stipulation the evidence is not reported.

44 Dated at Springfield, Illinois, March 20, 1908.

45 WILLIAM BROWN,
46 Master in Chancery.

47 4. MASTER'S REPORT ON MOTION FOR ALIMONY AND SOLICITOR'S FEES.

48 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

49 Jane Doe
50 v. John Doe. } In Equity. No. 700.

51 MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

52 The master finds that the plaintiff is entitled as follows:

53 First—To alimony *pendente lite* to be paid by the defendant to the plaintiff,
54 or to the clerk of this court for the use of the plaintiff, of \$50 on the 20th day
55 of January, 1908, and the sum of \$50 on the first day of each and every month
56 thereafter until the further order of the court.

57 Second—To the sum of \$100 as solicitor's fees, the same to be paid to the
58 plaintiff's solicitor on or before the first day of March, 1908.

59 Dated Chicago, Illinois, January 15, 1908.

60 WILLIAM BROWN,
61 Master in Chancery.

NOTE.

In case the master returns with his report the evidence introduced before him, there should be added to the report, after clause second, the following:

Hereto attached is the evidence heard by me in the foregoing matter.

5. MASTER'S REPORT ON MOTION FOR INJUNCTION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

Richard Roe.	} In Equity. No. 400.
v.	
John Doe	

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JUNE 1, 1908.

The master recommends that the plaintiff be granted an injunction order enjoining and restraining the defendant, his agents, servants and attorneys, from (here insert description of what defendant is enjoined and restrained from doing).

The plaintiff should give an injunction bond of \$5000.

Dated Chicago, Illinois, June 15, 1908.

WILLIAM BROWN,

Master in Chancery.

6. MASTER'S REPORT FINDING ISSUES AND ASSESSING DAMAGES IN ACTION AT LAW.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Contract. No. 400.
v.	
Richard Roe.	

MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JANUARY 10, 1908.

The master finds the issues in favor of the plaintiff and assesses the plaintiff's damages at \$500.

Dated Chicago, Illinois, January 15, 1908.

WILLIAM BROWN,

Master in Chancery.

89 7. MASTER'S REPORT ON MOTION TO SUPPRESS INTERROGATORIES.

90 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

91 John Doe
 v.
 92 Richard Roe. } Contract. No. 400.

93 MASTER'S REPORT UNDER ORDER OF REFERENCE DATED JUNE 5, 1908.

94 The master recommends that the motion of the defendant to suppress inter-
 95 rogatories be sustained as to interrogatories four (4) and five (5) and over-
 96 ruled as to interrogatories nine (9) and ten (10).

97 Dated Chicago, Illinois, June 10, 1908.

98 WILLIAM BROWN,
 99 *Master in Chancery.*

Sec. 820. WHEN MASTER'S REPORT TO BE ACCOMPANIED BY DRAFT OF ORDER,
 2 JUDGMENT, OR DECREE, OR INJUNCTION OR RECEIVERSHIP BOND.] Every master's
 3 report under a reference requiring him to hear and determine any matter, when
 4 such report is of such character that, if the same be approved, an order, judg-
 5 ment or decree will be entered in accordance therewith, shall be accompanied
 6 by a draft made by or under the direction of the master, copies of which are to
 7 be delivered by the master to the respective parties, of the order, judgment or
 8 decree to be entered in pursuance thereof, unless the same be one of such
 9 character that the same can be conveniently entered by the clerk in an abbrevi-
 10 ated form. Every such order, judgment or decree shall be framed, as near as
 11 may be, in accordance with the rules prescribed in the division of this act deal-
 12 ing with files, records and record entries. When the order is an injunction
 13 order, or an order for the appointment of a receiver, the master shall pass
 14 upon the sufficiency of the bond, if any, required of the plaintiff and return the
 15 same with his report.

Sec. 821. MATTERS TO BE HEARD BY MASTER WITHOUT REFERENCE.] The court
 2 may, by rule or rules, provide that certain motions and matters, to be particu-

3 larly specified in such rule or rules, may be presented to and heard by a master
 4 in the first instance, without a previous order of reference, and a court in which
 5 there are two or more masters may designate the master by or before whom
 6 particular classes of motions are to be heard and determined. A master's re-
 7 port in any such case shall be in the same form as hereinbefore prescribed for
 8 a similar report made upon a reference, except that, in place of stating that
 9 it is the master's report in pursuance of an order or decree, it shall state that
 10 it is a master's report upon a motion or matter in the action, describing such
 11 motion or matter with sufficient certainty to identify it.

Sec. 822. OBJECTIONS AND EXCEPTIONS TO MASTER'S REPORT UNNECESSARY—ALL
 2 MERITORIOUS OBJECTIONS PRESERVED—EXCEPTION AS TO STATEMENT OF ACCOUNT.]
 3 Hereafter it shall not be necessary to file before any master, to whom any ref-
 4 erence has been taken, objections to his report, nor shall it be necessary, when
 5 any such report has been returned into court and filed therein, that either party
 6 file exceptions thereto, but without such exceptions all meritorious objections to
 7 the rulings of the master upon the hearing before him, which appear to have
 8 been made against the objection of the party complaining thereof, and all meri-
 9 torious objections to the conclusions and each of them of the master as to the
 10 law and the facts, shall be deemed preserved for the consideration and determ-
 11 ination of the court: *Provided, however,* that no conclusion of the master as to
 12 any fact shall be reviewed by the court in any case in which the evidence heard
 13 by the master is not returned with his report. The court may, however, upon
 14 a motion to approve or disapprove the master's report, when such report is,
 15 in whole or in part, a statement of an account embracing different items, re-
 16 quire either party dissatisfied with the report to specify the items of the account
 17 with respect to which the conclusions of the master are objected to.

Sec. 823. CORRECTION OF IRREGULAR PROCEEDINGS BEFORE MASTER.] When.
 2 upon the hearing of objections made to a master's report, it shall appear that

3 the master has excluded competent evidence, or has otherwise proceeded irregu-
 4 larly to the injury of either of the parties, the court shall not on that account
 5 again refer the action to the master, but shall hear the evidence improperly ex-
 6 cluded by the master or take such other steps as may appear to be necessary
 7 to correct any other proceeding of the master which the court may find to have
 8 been irregular. When any such additional evidence is heard or other steps
 9 taken the same shall, at the request of either party, be embodied in a report of
 10 the proceedings to be settled and signed by the judge as hereinafter provided.

Sec. 824. DIVISION OF BUSINESS AMONG MASTERS.] When there is more than
 2 one regular master in chancery of any court in any county the business of the
 3 master's office shall be divided among them in such manner as may be provided
 4 by the rules of such court: *Provided, however, that, whenever all the parties*
 5 *to the action are persons not infants or under other disability and they shall*
 6 *designate the master to whom a reference is to be made, the reference shall be*
 7 *had to the master so designated, unless it shall appear to the court that the*
 8 *amount of business pending and undisposed of before the master to whom such*
 9 *reference is sought is such as to render a reference to some other master con-*
 10 *ducive to a more speedy determination of the action.*

Sec. 825. DEPOSIT OF COSTS OF REFERENCES—MASTER NOT TO WITHHOLD RE-
 2 PORT—COMPELLING PAYMENT OF FEES.] The party obtaining any order of refer-
 3 ence, or, if such reference is ordered by agreement, the parties agreeing
 4 thereto, shall, excepting in the cases hereinafter specified, deposit with the
 5 master, before the taking by the master of any steps therein, such sum as may
 6 be fixed by the court, to secure the payment of the costs of such reference and
 7 thereafter, from time to time, shall make such additional deposits as may be
 8 ordered by the court for that purpose: *Provided, however, that no deposit or*
 9 *payment of costs specified in this act shall be demanded of any party to an*
 10 *action who shall have been admitted to prosecute or defend the same as a poor*

11 person. When an order of reference is made by the court of its own motion,
 12 such deposit shall likewise be required and the amount thereof to be made by
 13 the respective parties shall be fixed by the court. No master shall withhold any
 14 report on account of non-payment of his fees with respect thereto, but the pay-
 15 ment of such fees, if payment thereof be refused by the party liable therefor,
 16 may be enforced by the court by an attachment. But no deposit of costs shall
 17 be required upon a reference in either of the following cases:

18 *First*—ACTIONS NOT INVOLVING OVER \$1,000.] In an action in which the sum
 19 or value in controversy, exclusive of interest and costs, does not exceed \$1,000.

20 *Second*—MOTION TO POSTPONE.] For the hearing and determination of a
 21 motion to postpone the trial or hearing of any action at law or action in equity,
 22 or to postpone the trial or hearing of any interlocutory matter therein.

23 *Third*—MOTION TO AMEND.] For the hearing and determination of a
 24 motion to amend any paper or record entry.

25 *Fourth*—MOTION AS TO INTERROGATORIES.] For the hearing and determina-
 26 tion of a motion for leave to file additional interrogatories, a motion to sup-
 27 press interrogatories already filed, or motion for an order for the appearance
 28 of any person to answer interrogatories, or any other matter pertaining to
 29 interrogatories.

30 *Fifth*—MOTION AS TO EXAMINATION OF WITNESSES OR INSPECTION OF PREMISES.]
 31 For the hearing and determination of a motion for the taking of testimony or
 32 the inspection of machinery, buildings or premises.

33 *Sixth*—MOTION AS TO COSTS.] For the hearing and determination of a
 34 motion to re-tax costs.

35 *Seventh*—MOTION AS TO ALIMONY OR SOLICITOR'S FEES.] For the hearing and
 36 determination of a motion in an action for divorce or an action for separate
 37 maintenance pertaining to the allowance, disallowance, increase or diminution
 38 of alimony, or for the allowance of solicitor's fees, or pertaining to the enforce-
 39 ment, by attachment or otherwise, of any order pertaining to the payment of
 40 alimony or solicitor's fees.

41 *Eighth*—MOTION OR MATTER NOT REQUIRING TAKING OF EVIDENCE.] For the
 42 hearing and determination of a motion or matter, the hearing and determina-
 43 tion of which do not require the taking before the master of oral testimony.

44 *Ninth*—OTHER MOTION OR MATTER.] For the hearing and determination of
 45 a motion or matter the hearing and determination of which, because of the
 46 financial circumstances of the parties, or otherwise, ought in the opinion of the
 47 court to be had before the master without requiring an advance payment of
 48 costs.

Sec. 826. PARTY REQUESTING MASTER TO RETURN EVIDENCE TO PAY COSTS.]

2 Whenever any party shall request the master to return with his report the
 3 evidence heard by him, in any case in which, by the terms of this act, the mas-
 4 ter is not authorized to return the evidence without such request, such party
 5 shall pay to the master the stenographer's fees for transcribing such evidence,
 6 in case the same shall have been taken down stenographically, within such
 7 time as may be fixed by the master for such payment, and in default of such
 8 payment the master shall return his report without the evidence: *Provided*,
 9 *however*, that no such payment shall be required to be made by any party to
 10 the action who shall have been admitted to prosecute or defend the same as a
 11 poor person, or when the court shall, by special order, direct that such pay-
 12 ment be not required.

Sec. 827. MASTER'S REPORT OF SALE—REQUISITES — FORMS.] Every master's

2 report of sale of property in pursuance of any order or decree shall specify the
 3 court in which the action is pending, and the title, classification and number of the
 4 action, and shall state that it is a master's report in such action of a sale in
 5 pursuance of an order or decree of which it shall give the date. It shall omit
 6 any recitals concerning the order or decree of sale, other than the date thereof,
 7 or of the proceedings of the master with respect to the giving or publication of
 8 notice of the sale, and shall be limited to a statement of the making of the sale.

9 of the date and place thereof, of the property sold and the name of the pur-
 10 chaser, the price at which the sale was made and the items of expense, includ-
 11 ing the master's fees, of the making of the sale, and, if more than one piece or
 12 parcel of real estate or item of personal property is sold separately, similar par-
 13 ticulars as to each such piece, parcel or item, and, if a deed or certificate of pur-
 14 chase is issued to the purchaser, the report shall so specify. The following shall
 15 be deemed sufficient forms of master's reports of sales and shall be taken as
 16 furnishing suggestions from which other reports may be properly framed:

17 1. REPORT OF SALE IN ACTION FOR PARTITION.

18 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

19 John Doe
 v.
 20 Richard Roe et al. } In Equity. No. 215.

21 MASTER'S REPORT OF SALE UNDER DECREE DATED JANUARY 10, 1908.

22 The master reports that on February 10, 1908, at the hour of ten o'clock
 23 a. m., at the south door of the county building, in Cook county, Illinois, he made
 24 sales under said order as follows:

25 1. The southwest quarter of section twenty-seven (27), township thirty-
 26 nine (39) north, range one (1) east of third P. M., in Cook county, Illinois, to
 27 John Smith for eighteen thousand dollars (\$18,000), the purchaser paying four
 28 thousand five hundred dollars (\$4,500) cash, the balance to be paid upon the con-
 29 firmation of the report of sale.

30 2. The southeast quarter of section twenty-seven (27), township thirty-
 31 nine (39) north, range one (1) east of third P. M., in Cook county, Illinois, to
 32 William Smith for eighteen thousand dollars (\$18,000), the purchaser paying
 33 four thousand five hundred dollars (\$4,500) cash, the balance to be paid upon
 34 the confirmation of the report of sale.

The master's fees and expenses for making the sale are as follows:

Advertising sale	\$ 15
Master's commisisions	540
Total	<u>\$555</u>

Dated Chicago, Illinois, February 12, 1908.

WILLIAM BROWN,
Master in Chancery.

2. REPORT OF SALE UNDER DECREE OF FORECLOSURE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 195.
v. Richard Roe et al.	

MASTER'S REPORT OF SALE UNDER DECREE DATED JANUARY 10, 1908.

The master reports that on February 10, 1908, at the hour of ten o'clock a. m., at the south door of the county building in Cook county, Illinois, he sold, under said decree, the southwest quarter of section twenty-seven (27), township thirty-nine (39) north, range one (1) east of the third P. M., in Cook county, Illinois, to John Smith for fifteen thousand dollars (\$15,000) in cash paid by said John Smith and executed to said John Smith a certificate of purchase therefor as provided by law.

The master's fees and expenses for making the sale are as follows:

Advertising sale	\$ 15
Master's commissions	225
Total	<u>\$240</u>

Dated Chicago, Illinois, February 12, 1908.

WILLIAM BROWN,
Master in Chancery.

Sec 828. OTHER DUTIES TO BE PERFORMED BY MASTERS—SERVICES IN COUNTY AND PROBATE COURTS.] Masters in chancery shall perform all such other duties connected with the administration of justice in the respective courts for which

4 they are appointed as may be required of them by the respective judges there-
 5 of, and shall also perform all services which may properly be performed by
 6 masters in chancery in the county courts and probate courts of their respective
 7 counties, subject only to such rules and regulations as may be prescribed by
 8 the respective courts for which they are appointed, or by the supreme court.

Sec. 829. OTHER MATTERS OF PROCEDURE BEFORE MASTERS.] In all matters
 2 pertaining to masters in chancery not provided for by this act, the procedure
 3 shall be in accordance with such rules as may be adopted by the respective
 4 courts by which such masters are appointed, or by the supreme court, and when
 5 no provision is made by this act or by such rules, then as nearly in accordance
 6 with the general usage and practice of courts of equity as is consistent with
 7 the general spirit and intention of this act.

DIVISION XLII.

PARTITION.

SECTION

- 830. When and how partition may be com-
pelled.
- 831. Requisites of bill.
- 832. Procedure to be as in equity.
- 833. Declaratory decree ,etc.
- 834. Oath of commissioners.
- 835. Duties of commissioners.
- 836. Report of commissioners.
- 837. Commissioners subject to direction of
and removal by court.
- 838. Procedure when land in different coun-
ties.
- 839. Allotting dower or setting off home-
stead.
- 840. Shares may be set off together or in
severalty.
- 841. Mortgages ,attachments and other liens.
- 842. New partition or contribution for per-
son evicted.
- 843. Sale when premises not susceptible of
division.

SECTION

- 844. Procedure when premises do not bring
appraised value.
- 845. Sale for cash or on credit.
- 846. Report of officer making sale.
- 847. Exceptions to report—form.
- 848. Conveyance to purchaser.
- 849. Distribution.
- 850. When dower, homestead, etc., to be
sold.
- 851. Procedure when person incapable of
assent.
- 852. Payment of value in gross or invest-
ment.
- 853. Court to act for person unknown.
- 854. Deposit of money unclaimed.
- 855. How money deposited in county treas-
ury may be obtained.
- 856. Power of court as to conflicting titles,
clouds, etc.
- 857. Costs and attorneys' fees.

Sec. 830. WHEN AND HOW PARTITION MAY BE COMPELLED.] When lands, tenements or hereditaments are held in joint tenancy, tenancy in common or coparcenary, whether such right or title is derived by purchase, devise or descent, or whether any or all of the claimants are minors or of full age, any one or more of the persons interested therein may compel a partition thereof by a bill of complaint in equity filed in the proper court of the county in which the premises, or some part thereof, are situated.

Sec. 831. REQUISITES OF BILL.] The bill shall particularly describe the premises sought to be divided, and shall set forth the interests of all parties interested therein, so far as the same are known to the plaintiff, including tenants for years, for life, or in dower, and of all persons entitled to the reversion, remainder or inheritance, and of every person who, upon any contingency, may be or become entitled to any beneficiary interest in the premises, so far as the same are known to the plaintiff, and shall pray for a partition of the premises.

Sec. 832. PROCEDURE TO BE AS IN EQUITY.] The practice and mode of proceeding in every such case shall, excepting as hereinafter provided, be the same as near as may be, as in other actions in equity.

Sec. 833. DECLARATORY DECREE, ETC.] Upon the hearing of the action upon the pleadings and proofs or otherwise, the court shall enter a decree declaring and fixing the rights, titles and interests of all parties to the action, and when it shall decree a partition of any premises it shall appoint three commissioners, not connected with any of the parties, either by consanguinity or affinity, and entirely disinterested, to make partition of the premises.

Sec. 834. OATH OF COMMISSIONERS.] Such commissioners shall each take and subscribe an oath or affirmation fairly and impartially to make partition of the premises, according to the rights and interests of the parties, as declared by the decree of the court, if the same can be done consistently with the interests of the

5 parties, or, if the same cannot be so divided without manifest prejudice to the
 6 parties in interest, that they will fairly and impartially appraise the value of
 7 each piece or parcel of the premises sought to be divided and a true report make
 8 to the court.

Sec. 835. DUTIES OF COMMISSIONERS.] The commissioners shall go upon the
 2 premises, and, if the same are susceptible of division, they shall make partition
 3 thereof, allotting the several shares to the respective parties, quality and quan-
 4 tity relatively considered, according to their respective rights and interests as
 5 adjudged by the court, designating the respective shares by metes and bounds,
 6 or other proper description, and they may employ a surveyor with necessary as-
 7 sistants to aid therein; and if the premises are not susceptible of division with-
 8 out manifest prejudice to the parties in interest, they shall value each piece or
 9 parcel separately.

Sec. 836. REPORT OF COMMISSIONERS.] The commissioners shall make report,
 2 in writing, signed by at least two of them, showing what they have done and if
 3 they shall have made a division, describing the premises divided and the shares
 4 of each party by metes and bounds or other proper description; or if they find
 5 that the lands can not be divided they shall so report, and shall report their val-
 6 uation of each piece or tract separately.

Sec. 837. COMMISSIONERS SUBJECT TO DIRECTION OF AND REMOVAL BY COURT.]
 2 The commissioners shall, at all times, be subject to the direction of the court; and
 3 any one or more of them may, before the final determination of the report, be
 4 removed, and others appointed in their stead.

Sec. 838. PROCEDURE WHEN LAND IN DIFFERENT COUNTIES.] If the lands lie
 2 in different counties, the court may appoint separate sets of commissioners for
 3 each county, or one set for all of them, as may seem most for the benefit of the
 4 parties interested.

Sec. 839. ALLOTING DOWER OR SETTING OFF HOMESTEAD.] If dower has not
 2 been allotted to the person entitled thereto, or the homestead set off, in case any
 3 party to the action is entitled to an estate of homestead in the premises, or any
 4 part thereof, such dower may be allotted and such homestead set off by the com-
 5 missioners; and, if the court shall so direct, the premises so allotted or set off
 6 may be partitioned among the claimants, subject thereto.

Sec. 840. SHARES MAY BE SET OFF TOGETHER OR IN SEVERALTY.] Several par-
 2 ties interested in the premises may, if they shall so elect, have their shares set off
 3 together or in severalty.

Sec. 841. MORTGAGES, ATTACHMENTS AND OTHER LIENS.] A person having a
 2 mortgage, attachment or other lien on the share of a part owner, shall be con-
 3 cluded by the decree in partition so far as it respects the partition and the assign-
 4 ment of the shares, but his lien shall remain in full force upon the part assigned
 5 to or left for such part owner.

Sec. 842. NEW PARTITION OR CONTRIBUTION FOR PERSON EVICTED.] If a person
 2 to whom any share has been allotted is evicted by a person who, at the time of the
 3 partition, had a title older and better than the title of those who were parties
 4 to the action, the person so evicted may have a new partition of the residue as if
 5 no partition had been made, if such new partition can be justly made, or he may
 6 have contribution from the others, so as to make his share just and equal to the
 7 others, according to his rights in the premises.

Sec. 843. SALE WHEN PREMISES NOT SUSCEPTIBLE OF DIVISION.] When the
 2 whole or any of the premises sought to be partitioned cannot be divided with-
 3 out manifest prejudice to the owners thereof, and the commissioners appointed
 4 to divide the same shall so report, the court shall order the premises so not be-
 5 ing susceptible of division to be sold at public vendue, upon such terms and notice
 6 of sale as the court shall direct.

Sec. 844. PROCEDURE WHEN PREMISES DO NOT BRING APPRAISED VALUE.] But

2 no piece or parcel of the premises shall be sold, if it will not bring at least two-
 3 thirds as much as it shall have been valued by the commissioners, unless the other
 4 pieces will, at the same time, sell for enough to make the total amount of the sales
 5 equal to two-thirds the total amount of the valuation of all the premises to be
 6 sold: *Provided*, that if it shall appear to the court that any of the premises will
 7 not sell for two-thirds the amount of the valuation thereof, the court may appoint
 8 other commissioners to revalue such premises, and their valuation shall be taken
 9 instead of the valuation of the commissioners first appointed.

Sec. 845. SALE FOR CASH OR ON CREDIT.] The court may direct the sale to be

2 made for cash or on such credit as may be deemed most for the interest of all the
 3 parties.

Sec. 846. REPORT OF OFFICER MAKING SALE.] The master, special commis-

2 sioner or other officer making such sale shall, within ten days (10) thereafter,
 3 file a report of his doings in the matter in the office of the clerk of the court de-
 4 creeing such sale. Upon the filing of such report the court may, in its discretion,
 5 at once approve such report and confirm the sale reported, if no exceptions to
 6 said report have been filed, or, if exceptions to said report have been filed, may,
 7 in its discretion, at once proceed to hear such exceptions and sustain or overrule
 8 the same.

Sec. 847. EXCEPTIONS TO REPORT—FORM.] Exceptions to a report shall be in

2 writing and immediately upon the filing of the same a copy thereof, together
 3 with copies of all affidavits to be read in evidence in support thereof, shall be
 4 served upon all the other parties to the action or upon their attorneys. The fol-
 5 lowing form of exceptions shall be deemed sufficient and shall be taken as fur-
 6 nishing suggestions from which other exceptions may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe et al,
 v.
 Henry Doe et al. } In Equity. No. 217.

EXCEPTIONS TO MASTER'S REPORT OF SALE.

The defendant Mary Doe excepts to the master's report of sale filed herein on the 27th day of August, 1908, on the following grounds:

First—That (in this and in subsequent paragraphs numbered consecutively and each alleging a single and distinct ground of exception set forth briefly and concisely the matters relied upon as ground of exception.)

MARY DOE,

By THOMAS JONES,

Her Attorney.

Sec. 848. CONVEYANCE TO PURCHASER.] Upon the confirmation of the report the master, special commissioner or other officer making the same, or some person specially appointed thereto, shall execute and deliver to the purchaser or purchasers of the premises sold, proper conveyances thereof, taking, in case of sale on credit, security as required by the decree, which conveyances shall operate as an effectual bar against all parties and privies to said action and all persons claiming under them.

Sec. 849. DISTRIBUTION.] Upon the approval of the report, the proceeds of the sale shall be distributed by the master, special commissioner or other person making the sale, to the persons entitled thereto, according to their interests, as directed by the court.

Sec. 850. WHEN DOWER, HOMESTEAD, ETC., TO BE SOLD.] In case of sale the court may, with the assent of the person entitled to an estate in dower, or by the courtesy or for life, or for years, or of homestead, to the whole or any part of the premises, who is a party to the action, sell such estate with the rest. But such

5 assent shall be in writing, and signed by such person, and filed in the court
6 wherein the said action for partition is pending.

Sec. 851. PROCEDURE WHEN PERSON INCAPABLE OF ASSENT.] If such persons
2 are incapable of giving assent, the court may determine, taking into view the
3 interests of all parties, whether such estate ought to be excepted from the sale
4 or sold.

Sec. 852. PAYMENT OF VALUE IN GROSS OR INVESTMENT.] When any such in-
2 terest is sold, the value thereof may be ascertained and paid over in gross, or the
3 proper proportion of the funds invested, and the income paid over to the party
4 entitled thereto, during the continuance of the estate.

Sec. 853. COURT TO ACT FOR PERSON UNKNOWN.] If the person entitled
2 to any such estate is unknown, the court may determine whether the estate shall
4 be sold or not, as in case of persons under disability, and, in the event of sale,
5 make such order for the protection of the rights of such person, in the same
6 manner, as far as may be, as if the person were known and had appeared.

Sec. 854. DEPOSIT OF MONEY UNCLAIMED.] When a sale of premises is made
2 and no person appears to claim such portion of the money as may belong to any
3 non-resident, or person whose name is unknown, the court shall require such
4 money to be deposited in the county treasury, subject to the further order of the
5 court. All money so required to be deposited shall be received by the county
6 treasurer and paid upon the order of the said court.

Sec. 855. HOW MONEY DEPOSITED IN COUNTY TREASURY MAY BE OBTAINED.]
2 When money is deposited in the county treasury under the provisions of this
3 act, the person or persons entitled to the same may at any time apply to the court
4 making the order of sale, and obtain an order for the same upon making satisfac-
5 tory proof to the court of his or her right thereto.

Sec. 856. POWER OF COURT AS TO CONFLICTING TITLES, CLOUDS, ETC.] In all
2 actions for the partition of real estate under this act, the court may investigate
3 and determine all questions of conflicting or controverted titles and remove
4 clouds upon the titles of any of the premises sought to be partitioned, invest
5 titles, by their decrees, in the parties to whom the premises are allotted, without
6 the forms of conveyances by infants or unknown heirs or other parties to the
7 action, assign dower, and order a sale of the premises for the purpose of divid-
8 ing the premises in proper cases, and by its decree invest the purchaser with
9 title, and apportion incumbrances among the parties to whom the incumbered
10 premises are allotted.

Sec. 857. COSTS AND ATTORNEY'S FEES.] In all actions for the partition of
2 real estate, when the rights and interests of all the parties in interest are prop-
3 erly set forth in the bill, the court shall apportion the costs, including the rea-
4 sonable attorneys' fees, among the parties in interest in the action, so that each
5 party shall pay his or her equitable portion thereof, unless the defendants, or
6 some one of them, shall interpose a good and substantial defense to said bill. In
7 such case the party or parties making such substantial defense shall recover
8 their costs against the plaintiff according to equity.

DIVISION XLIII.

DOWER.

SECTION

- 858. Duty of heir ,etc., to assign dower.
- 859. When dower may be recovered by bill in equity.
- 860. Practice to be as in equity.
- 861. Decree declaratory of rights, etc.—commissioners' oath.
- 862. Duty of commissioners.
- 863. When dower may be allotted in a body.
- 864. Homestead or dwelling house.
- 865. Report of commissioners.
- 866. Procedure when premises not divisible. etc.

SECTION

- 867. Sale for enforcement of lien.
- 868. Damages—when recoverable—how ascertained.
- 869. Commissioners subject to direction of and removal by court.
- 870. Action by heirs.
- 871. Assignment of dower in proceeding to sell for payment of debts.
- 872. Commission of waste—penalty.
- 873. Dower not relinquished when.

Sec. 858. DUTY OF HEIR, ETC., TO ASSIGN DOWER.] It shall be the duty of the
 2 heir at law or other person having the next estate of inheritance or freehold
 3 in any lands or estate of which any person is entitled to dower, to lay off and as-
 4 sign such dower as soon as practicable after the death of the husband or wife
 5 of such person so entitled to dower.

Sec. 859. WHEN DOWER MAY BE RECOVERED BY BILL IN EQUITY.] If such heir
 2 or other person shall not, within one month next after such death, satisfactor-
 3 ily assign and set over to the surviving husband or wife dower in and to all
 5 lands, tenements and hereditaments whereof by law he or she is or may be dow-
 6 able, such survivor may sue for and recover the same by bill of complaint in
 6 equity against such heir or other person or any tenant in possession or any other
 7 person having or claiming any interest in the premises, whether in possession
 8 or otherwise.

Sec. 860. PRACTICE TO BE AS IN EQUITY.] The practice and mode of proceed-
 2 ing in every such case shall, excepting as hereinafter provided, be the same, as
 3 near as may be, as in other actions in equity.

Sec. 861. DECREE DECLARATORY OF RIGHTS, ETC.—COMMISSIONERS' OATH.] Up-

2 on the hearing of the action, upon pleadings and proofs or otherwise, the court
3 shall enter a decree declaring and fixing the rights of the respective parties
4 thereto, and if the court decrees that the plaintiff is entitled to dower the court
5 shall appoint three commissioners not connected with any of the parties, either
6 by consanguinity or affinity, and entirely disinterested, each of whom shall take
7 the following oath:

8 I do solemnly swear that I will fairly and impartially allot and set off to
9 (here insert name of person entitled to dower) surviving wife (or husband, as
10 the case may be), of (here insert name of deceased husband or wife, as the case
11 may be), her (or his) dower out of the lands and tenements described in the
12 order of the court for that purpose, if the same can be done consistently with the
13 interests of the estate according to the best of my ability: So help me God.

Sec. 862. DUTY OF COMMISSIONERS.] The commissioners shall go upon the

2 premises and, if the same are susceptible of division without manifest prejudice
3 to the parties in interest, shall set off and allot to the person entitled thereto
4 his or her dower by metes and bounds, according to quality and quantity of all
5 the premises described in the order of the court.

Sec. 863. WHEN DOWER MAY BE ALLOTTED IN BODY.] The dower need not be

2 assigned in each tract separately but may be allotted in a body out of one or
3 more tracts of land, when the same can be done without prejudice to the interest
4 of any person interested in the premises.

Sec. 864. HOMESTEAD OR DWELLING HOUSE.] The surviving husband or wife

2 shall have the homestead or dwelling house, if he or she desires, and such al-
3 lottment shall not affect his or her estate of homestead therein, but if the dower
4 is allotted out of other lands, the acceptance of such allottment shall be a waiver

5 and release of the estate of homestead of the person entitled to dower, and his or
6 her children, unless it shall be otherwise ordered by the court.

Sec. 865. REPORT OF COMMISSIONERS.] The commissioners shall make re-
2 port in writing signed by at least two of them showing what they have done,
3 and, if they have made a division, describing the premises allotted by metes and
4 bounds or other proper description; and the allotment so made, if approved
5 by the court, shall vest in the person entitled thereto an estate in the lands and
6 tenements set off and allotted to him or her for and during his or her natural life;
7 and the court shall forthwith cause such person to have possession by writ
8 directed to the sheriff for that purpose.

Sec. 866. PROCEDURE WHEN PREMISES NOT DIVISIBLE, ETC.] When the estate
2 out of which dower is to be assigned consists of a mill or other tenement which
3 cannot be divided without damage to the whole, and in all cases where the
4 estate cannot be divided without great injury thereto, the dower may be as-
5 signed of the rents, issues and profits thereof, to be had and received by the per-
6 son entitled thereto as tenant in common with the owners of the estate, or a
7 jury may be impanelled to inquire of the yearly value of the dower therein, who
8 shall assess the same accordingly, and the court shall thereupon enter a decree
9 that there be paid to such person as an allowance in lieu of dower, on a day
10 therein named, the sum so assessed as the yearly value of such dower, and
11 the like sum on the same day of each year thereafter during his or her natural
12 life, and may make the same a lien on any real estate of the party against whom
13 such decree is rendered, or cause the same to be otherwise secured.

Sec. 867. SALE FOR ENFORCEMENT OF LIEN.] Whenever any such decree is
2 made a lien on any real estate as provided in the preceding section, and a sale
3 of such real estate shall become necessary to satisfy any such installment, the
4 property shall be sold subject to the lien of the installments not then due, un-

5 less the court shall, at the time, direct otherwise, and subsequent sales may,
 6 from time to time, be made to enforce such lien as the installments may become
 7 due, until all the installments are paid.

Sec. 868. DAMAGES—WHEN RECOVERABLE—HOW ASCERTAINED.] Whenever, in
 2 any action brought for the purpose, a surviving husband or wife recovers dower
 3 in any lands, he or she shall be entitled to recover reasonable damages from the
 4 time of his or her demand, and a refusal to assign reasonable dower, which dam-
 5 ages may be assessed by the court or by a jury, if either party shall have filed a
 6 demand in writing of a trial by jury, and a decree shall be entered by the court
 7 for the amount so assessed, which decree may be enforced by execution or other
 8 proper proceeding.

Sec. 869. COMMISSIONERS SUBJECT TO DIRECTION OF AND REMOVAL BY COURT.]
 2 The commissioners shall at all times be subject to the direction of the court; and
 3 any one or more of them may, before the final confirmation of the report, be re-
 4 moved, and others appointed in their stead.

Sec. 870. ACTION BY HEIRS.] Heirs, or, if under age, their guardians, or any
 2 other persons interested in lands, tenements or hereditaments, may also maintain
 3 an action in equity to have dower assigned to the person entitled thereto, which
 4 action shall be heard and determined, as near as may be, in the manner herein-
 5 before prescribed with respect to an action in equity for the assignment of dower
 6 by a party claiming to be entitled to such dower.

Sec 871. ASSIGNMENT OF DOWER IN PROCEEDINGS TO SELL FOR PAYMENT OF
 2 DEBTS.] Whenever application is made to a county court or a probate court for
 3 leave to sell real estate of a deceased person for the payment of debts, or for the
 4 sale of real estate of any ward, as authorized by law, and it appears that there is a
 5 dower and a homestead, or other interest in the land sought to be sold, such court
 6 may, in the same proceeding, on the petition of the executor, administrator, guar-

7 dian or conservator, or of the person entitled to dower and homestead, or either,
8 therein, cause the dower and homestead, or either, to be assigned and shall have
9 the same power and may take like proceedings therefor as hereinbefore provided
10 for the assignment of dower.

Sec. 872. COMMISSION OF WASTE—PENALTY.] No person who is endowed of
2 any lands shall commit any waste thereon on penalty of forfeiting that part of the
3 estate wherein such waste is made to him or them that have the estate of free-
4 hold, or inheritance in remainder or reversion, but every person so endowed shall
5 maintain the houses and tenements, with the fences and appurtenances, in good
6 repair and shall be liable to the person having the next immediate estate of in-
7 heritance therein for all damages occasioned by any waste committed or suffered
8 by him or her, which damages may be recovered by an action at law.

Sec. 873. DOWER NOT RELINQUISHED WHEN.] No person who sells and con-
2 veys lands by order of court for the payment of debts shall be deemed to have
3 relinquished, by reason of such conveyance, any right of dower which he or she
4 may have in such lands, unless his or her relinquishment is specified in the deed
5 or conveyance.

DIVISION XLIV.

DIVORCE AND SEPARATE MAINTENANCE.

SECTION

- 874. Grounds for divorce.
- 875. Marriage of divorced persons prohibited when.
- 876. One year's residence required—exception.
- 877. Divorce not to affect legitimacy of children—exception.
- 878. Practice to be as in equity.
- 879. Mode of trial.
- 880. Procedure when bill taken for confessed—additional notice.
- 881. Effect of confession of defendant.
- 882. Collusion—both parties guilty, etc.
- 883. How marriage in foreign state proved.
- 884. Restraint of wife by husband prohibited.

SECTION

- 885. Custody and care of minor children.
- 886. Party suing or defending as poor person.
- 887. Alimony and expenses pendente lite.
- 888. Woman may resume maiden name, etc.
- 889. Conveyance of property may be compelled.
- 890. Alimony and custody, etc., of children.
- 891. When alimony granted to person divorced for void marriage.
- 892. Sale of real estate to enforce lien.
- 893. Penalty for divorce advertisements.
- 894. Support—maintenance—costs.
- 895. Where action brought.

Sec. 874. GROUND FOR DIVORCE.] In every case in which a marriage has
 2 been, or hereafter may be, contracted and solemnized between any two persons,
 3 and it shall be adjudged, in the manner hereinafter provided, that either party
 4 at the time of such marriage was and continues to be naturally impotent; or that
 5 he or she had a wife or husband living at the time of such marriage; or that
 6 either party has committed adultery subsequently to the marriage; or has wil-
 7 fully deserted or absented himself or herself from the husband or wife without
 8 any reasonable cause for the space of two years; or has been guilty of habitual
 9 drunkenness for the space of two years, or has attempted the life of the other
 10 by poison or other means showing malice; or has been guilty of extreme and
 11 repeated cruelty; or has been convicted of felony or other infamous crime, it shall
 12 be lawful for the injured party to obtain a divorce and dissolution of such mar-
 13 riage contract in the manner hereinafter provided.

Sec. 875. MARRIAGE OF DIVORCED PERSONS PROHIBITED WHEN.] In every case
 2 in which a divorce has been granted for any of the several causes contained in

3 the preceding section neither party shall marry again within one year from the
 4 time the decree was granted: *Provided*, when the cause for such divorce is adul-
 5 tery, the person decreed guilty of adultery shall not marry for a term of two
 6 years from the time the decree was granted: and, *provided further*, that noth-
 7 ing in this section contained shall prevent the persons divorced from remarrying
 8 each other; and every person marrying contrary to the provisions of this section
 9 shall be punished by imprisonment in the penitentiary for not less than one
 10 year, nor more than three years, and said marriage shall be held absolutely
 11 void.

Sec. 876. ONE YEAR'S RESIDENCE REQUIRED—EXCEPTION.] No person shall be
 2 entitled to a divorce in pursuance of the provisions of this act who has not re-
 3 sided in the state one whole year before filing his or her bill of complaint, unless
 4 the offense or injury complained of was committed within this state or whilst one
 5 or both of the parties resided in this state.

Sec. 877. ,DIVORCE NOT TO AFFECT LEGITIMACY OF CHILDREN—EXCEPTION.] No
 2 divorce shall in any wise affect the legitimacy of the children of such marriage,
 3 except in cases where the marriage shall be declared void on the grounds of a
 4 prior marriage.

Sec. 878. PRACTICE TO BE AS IN EQUITY.] The practice and mode of proceed-
 2 ing in every action in equity for a divorce shall, excepting as hereinafter provided,
 3 be the same, as near as may be, as in other actions in equity.

Sec. 879. MODE OF TRIAL.] When the defendant appears and denies the
 2 charges in the plaintiff's bill of complaint for a divorce, the issues in such action
 3 shall be tried by the court without a jury, and either with or without a refer-
 4 ence to a master, unless the court, upon the application of either party or of its
 5 own motion, shall direct that the same be tried by jury.

Sec. 880. PROCEDURE WHEN BILL TAKEN FOR CONFESSED—ADDITIONAL NOTICE.]
 2 If the bill of complaint is taken as confessed, the court shall proceed to hear

3 the action by examination of witnesses in open court, or by causing the testimony
 4 of the witnesses to be taken before a master in chancery and reported to the
 5 court by the master with or without his conclusions thereon, and in no case of
 6 default shall the court grant a divorce unless the court is satisfied that all proper
 7 means have been taken to notify the defendant of the pendency of the action
 8 and that the cause of divorce has been fully proved by reliable witnesses.
 9 Whenever the court is satisfied that the interests of the defendant require it,
 10 the court may order such additional notice as equity may seem to require.

Sec. 881. EFFECT OF CONFESSION OF DEFENDANT.] No confession of the de-
 2 fendant shall be taken as evidence unless the court, if the issues be tried by the
 3 court, or the jury, if the issues be tried by a jury, shall be satisfied that such con-
 4 fession was made in sincerity and without fraud or collusion to enable the plain-
 5 tiff to obtain a divorce.

Sec. 882. COLLUSION—BOTH PARTIES GUILTY, ETC.] If it shall appear to the
 2 satisfaction of the court that the injury complained of was occasioned by col-
 3 lusion of the parties, or done with the assent of the plaintiff for the purpose of ob-
 4 taining a divorce, or that the plaintiff was consenting thereto, or that both parties
 5 have been guilty of adultery, when adultery is the ground of complaint, then no
 6 divorce shall be decreed.

Sec. 883. HOW MARRIAGE IN FOREIGN STATE PROVED.] A marriage which may
 2 have been celebrated or had in any foreign state or country may be proved by
 3 the acknowledgement of the parties, their cohabitation, and other circumstantial
 4 testimony.

Sec. 884. RESTRAINT OF WIFE BY HUSBAND PROHIBITED.] The court may pro-
 2 hibit the husband from interposing any restraint on the personal liberty of the
 3 wife during the pendency of the action.

Sec. 885. CUSTODY AND CARE OF MINOR CHILDREN.] The court may, on the application of either party, make such order concerning the custody and care of the minor children of the parties during the pendency of the action as may be deemed expedient and for the benefit of the children.

Sec. 886. PARTY SUING OR DEFENDING AS POOR PERSON.] Any party to an action for divorce who shall make it appear satisfactorily to the court that he or she is poor and unable to pay the expenses of prosecuting or defending such action, shall be allowed by the court to prosecute or defend the action without costs, and in such cases no fees shall be charged by the officers of the court.

Sec. 887. ALIMONY AND EXPENSES PENDENTE LITE.] In all actions of divorce the court may require the husband to pay to the wife, or pay into court for her use during the pendency of the action, such sum or sums of money as may enable her to maintain or defend the action, and in case no such order shall have been made during the pendency of the action, the court may, at the conclusion thereof, require the husband to pay such sum as may be reasonable compensation to the attorneys of the wife for the services rendered and expenditures made by them in and about the prosecution or defense of the action. And in every action for a divorce the wife, when it is just and equitable, shall be entitled to alimony during the pendency of the action. In case of appeal or writ of error by the husband, the court in which the decree or order is rendered may grant and enforce the payment of such money for her defense and such equitable alimony during the pendency of the appeal or writ of error as to the court shall seem reasonable and proper, and when any order is made by the court for the payment by the husband of money to the wife to enable her to defend an appeal or writ of error prosecuted by him, no appeal shall be allowed from such order, but the same shall be reviewed by writ of error only, and no stay of proceedings shall be granted in such writ of error excepting by the court from which the writ of error is prosecuted.

Sec. 888. WOMAN MAY RESUME MAIDEN NAME, ETC.] The court upon granting to a woman a divorce from the bonds of matrimony may allow her to resume her maiden name or the name of any former husband.

Sec. 889. CONVEYANCE OF PROPERTY MAY BE COMPELLED.] Whenever a divorce is granted, if it shall appear to the court that either party holds the title to property equitably belonging to the other, the court may compel conveyance thereof to be made to the party entitled to the same upon such terms as it shall deem equitable.

Sec. 890. ALIMONY AND CUSTODY, ETC., OF CHILDREN.] When a divorce shall be decreed the court may make such order touching the alimony and maintenance of the wife, the care, custody and support of the children, or any of them, as, from the circumstances of the parties and the nature of the case, shall be fit, reasonable and just; and, in case the wife be plaintiff, may order the defendant to give reasonable security for such alimony and maintenance, or may enforce the payment of such alimony and maintenance in any other manner consistent with the rules and practice of the court. And the court may, on application, from time to time, make such alterations in the allowance of alimony and maintenance, and the care, custody and support of the children, as shall appear reasonable and proper.

Sec. 891. WHEN ALIMONY GRANTED TO PERSON DIVORCED FOR VOID MARRIAGE.] When a divorce is granted to a woman who shall, in good faith, have intermarried with a man having at the time of such marriage another wife or wives living, the court may, nevertheless, allow the plaintiff alimony and maintenance the same as in other cases of divorce; but no such allowance shall be made as will be inconsistent with the rights of such other wife or wives, which shall first be ascertained by the court before the granting of such alimony or maintenance.

Sec. 892. SALE OF REAL ESTATE TO ENFORCE LIEN.] Whenever, in any case of
2 divorce, a decree of alimony or maintenance is made a lien on any real estate
3 to secure the payment of any money to become due by installments and a sale of
4 any such real estate shall become necessary to satisfy any of such installments,
5 the property shall be sold subject to the lien of the installments not then due,
6 unless the court shall at the time direct otherwise, and subsequent sales may, from
7 time to time, be made to enforce such lien as the installments may become due,
8 until all installments are paid.

Sec. 893. PENALTY FOR DIVORCE ADVERTISEMENTS.] Whoever advertises,
2 prints, publishes, distributes or circulates, or causes to be advertised, printed,
3 distributed or circulated, any circular, pamphlet, card, hand-bill, advertisement,
4 printed paper, book, newspaper or notice of any kind with intent to procure or
5 to aid in procuring any divorce, either in this state or elsewhere, shall be fined not
6 less than one hundred dollars (\$100) nor more than one thousand dollars (\$1,000)
7 for each offense, or imprisoned in the county jail not less than three months nor
8 more than one year, or both in the discretion of the court. This section shall not
9 apply to the printing or publishing of any notice or advertisement required or
10 authorized by any statute of the State of Illinois.

Sec. 894. SUPPORT—MAINTENANCE—COSTS.] Married women, who, without
2 their fault, now live or hereafter may live, separate and apart from their hus-
3 bands, may have their remedy in equity in their own names, respectively, against
4 their said husbands in the circuit court of the county where the husband re-
5 sides, for a reasonable support and maintenance, while they so live or have so
6 lived separate and apart; and in determining the amount to be allowed the
7 court shall have reference to the condition of the parties in life at the place
8 of residence of the husband, and the circumstances of the respective cases; and
9 the court may grant an allowance or allowances to enable the wife to prosecute
10 her action as in cases of divorce.

Sec. 895. WHERE ACTION BROUGHT.] An action under the preceding section shall be instituted in the county where the husband resides, and process may be served in any county in the State: *Provided, however,* that in case the husband shall abandon his wife without fault on her part, and remove to another county in this State, then and in that case such action may be brought by the wife, either in the county where they resided at the time of such abandonment as aforesaid, or in the county where the husband resides at the time of the commencement of the action.

DIVISION XLV.

INJUNCTIONS.

SECTION

- 896. Writs of injunction abolished—injunction orders.
- 897. Interlocutory, final, preventive and mandatory injunction orders.
- 898. Master in chancery may grant injunction order.
- 899. Injunction not to be granted until bill filed—exception.
- 900. Notice required—when dispensed with—requisites of notice.
- 901. Injunction against municipal ordinance.
- 902. Injunction against action or judgment at law.
- 903. Bond for injunction to stay judgment—form.
- 904. Bond in other cases—form.
- 905. Requisites of interlocutory injunction order—form.
- 906. Injunction bond to be filed.
- 907. Service of injunction order—fees.
- 908. Dissolution of injunction—assessment of damages.
- 909. Violation of injunction—punishment.

SECTION

- 910. Amendment not to operate as dissolution.
- 911. Motion to dissolve—procedure.
- 912. Appeal not to continue injunction in force—exception—power of supreme court or appellate court.
- 913. Bond for continuance of injunction.
- 914. Application on Sunday—procedure.
- 915. Mandatory injunction may be granted.
- 916. Procedure when acts sought to be enjoined have been already done.
- 917. When mandatory injunction may be enforced.
- 918. Procedure when plaintiff may be protected by bond—form of bond.
- 919. Interlocutory orders appealable—duty of judge.
- 920. Injunctions in election cases.
- 921. Requisites of bill in election matters—notice.
- 922. Procedure in actions for injunction as to election.

Sec. 896. WRITS OF INJUNCTION ABOLISHED—INJUNCTION ORDERS.] Writs
 2 of injunction are hereby abolished and in lieu thereof the circuit courts and the
 3 superior court of Cook county and the city courts shall have power to grant in-
 4 junction orders.

Sec. 897. INTERLOCUTORY, FINAL, PREVENTIVE AND MANDATORY INJUNCTION OR-
 2 DERS.] Injunction orders shall be known as interlocutory or final, preventive or
 3 mandatory. An interlocutory injunction order is one granted prior to a final
 4 hearing and decree. A final injunction order is one granted by a final decree. A
 5 preventive injunction order is one enjoining a party from doing some act. A
 6 mandatory injunction order is one commanding a party to do some act. Any in-
 7 junction order, whether interlocutory or final, may be preventive or mandatory.

Sec. 898. MASTER IN CHANCERY MAY GRANT INJUNCTION ORDER.] When there
 2 is no judge of the court present in the county-seat of the county, or, in case of a
 3 city court, in the city in which such court is established, or if the judge or judges
 4 so present is or are unable or incapacitated to act, any master in chancery in such
 5 county may grant an interlocutory preventive injunction order.

Sec. 899. INJUNCTION NOT TO BE GRANTED UNTIL BILL FILED—EXCEPTION.] No
 2 injunction order shall be granted excepting upon a bill of complaint in equity
 3 filed with the clerk of the court in which the order is sought prior to the applica-
 4 tion therefor: *Provided, however,* that in a case of emergency, when it appears
 5 to the satisfaction of the judge or master applied to for an injunction order that
 6 it would not be practicable for the plaintiff to file the bill of complaint without
 7 such delay as to greatly prejudice his rights, the judge or master may hear the
 8 application for the injunction order without the previous filing of such bill, but
 9 in every such case the order signed by the judge, whether the same be an order
 10 granting or refusing the injunction, shall, together with the bill of complaint,
 11 be delivered by or under the direction of the judge or master to the clerk of the

12 court as soon as may be practicable, and not later than twenty-four hours there-
 13 after, and such bill shall thereupon be filed and a minute of such order shall be
 14 entered by the clerk, and no such order shall be served until a minute of the
 15 same shall have been so entered by the clerk, excepting as may be otherwise here-
 16 inafter provided.

Sec. 900. NOTICE REQUIRED — WHEN DISPENSED WITH—REQUISITES OF NOTICE.]

2 No court or master shall grant an interlocutory injunction order without pre-
 3 vious notice of the time and place of the application having been given to the de-
 4 fendants to be affected thereby, or such of them as can be served conveniently,
 5 unless it shall appear from the bill or affidavit accompanying the same that the
 6 rights of the plaintiff will be unduly prejudiced if the injunction order is not
 7 granted immediately and without such notice. Any notice so given shall have
 8 attached thereto a copy of the bill of complaint, the affidavit verifying the same
 9 and the other affidavits filed or to be filed therewith, and, if witnesses are to be
 10 produced in open court in support thereof, the notice shall so specify and give the
 11 names thereof.

Sec. 901. INJUNCTION AGAINST MUNICIPAL ORDINANCE.] No injunction order

2 to restrain the enforcement of an ordinance of a municipal corporation shall be
 3 granted without previous notice to such municipal corporation of the application
 4 therefor, which notice shall be served upon the corporation counsel, city attorney
 5 or other attorney of such municipal corporation, or, if there be no such corpora-
 6 tion counsel, city attorney or other attorney of such municipal corporation, then
 7 upon any officer of such municipal corporation upon whom a summons to such
 8 municipal corporation may be served. Service of such notice upon such corpora-
 9 tion counsel, city attorney or other attorney, may be made by delivery of a copy
 10 thereof to him or to any clerk in his office. Any notice so given shall have at-
 11 tached thereto a copy of the bill of complaint, the affidavit verifying the same,
 12 and the other affidavits filed or to be filed therewith, and, if witnesses are to be

13 produced in open court in support thereof, the notice shall so specify and give
14 the names thereof.

Sec. 902. INJUNCTION AGAINST ACTION OR JUDGMENT AT LAW.] When an in-
2 junction order shall be granted to stay an action or judgment at law, the action
3 in equity for such injunction shall be commenced in the county where the judg-
4 ment was obtained or the action at law is pending, but the injunction order may
5 be served in any county in the state in which the defendant resides, and every such
6 injunction order when granted shall operate as a release of all errors in the pro-
7 ceedings at law that are prayed to be enjoined. But no injunction order shall be
8 granted to stay proceedings before a justice of the peace for a sum not exceed-
9 ing twenty dollars (\$20) besides the costs, and only so much of any judgment at
10 law shall be enjoined as the plaintiff shall show himself equitably not bound to
11 pay and so much as shall be sufficient to cover costs. Any action or judgment
12 at law may also be stayed during the pendency of such action or after the rendi-
13 tion of such judgment by motion in such action and upon such notice as the court
14 may direct and by proof of facts which would authorize a decree or order in
15 equity staying such action or judgment.

Sec. 903. BOND FOR INJUNCTION TO STAY JUDGMENT—FORM.] Before an in-
2 terlocutory injunction order shall be granted to enjoin a judgment, the plaintiff
3 in the action in equity shall give bond to the plaintiff in the judgment in double
4 the amount of such judgment with sufficient security to be approved by the judge
5 or master, conditioned for the payment of all moneys and costs due to the plain-
6 tiff in the judgment and such damages as may be awarded against the plain-
7 tiff in the action in equity for the injunction in case the injunc-
8 tion order is dissolved. If the injunction order is dissolved, in whole or in part,
9 the plaintiff shall pay, exclusive of legal interest and costs, such damages as the
10 court shall award not exceeding ten per centum on such part as may

11 be released from the injunction. Such bond may be in substantially the following
12 form:

13 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

14 John Doe
15 v. Richard Roe. } In Equity. No. 250.

16 BOND FOR INJUNCTION TO STAY JUDGMENT.

17 KNOW ALL MEN BY THESES PRESENTS, That we, John Doe, as principal, and
18 William Doe and Henry Doe, as sureties, are held and firmly bound unto Rich-
19 ard Roe in the penal sum of three thousand dollars (\$3,000), for the payment of
20 which well and truly to be made we bind ourselves, our heirs, executors ad-
21 ministrators and assigns, jointly and severally, firmly by these presents.

22 Witness our hands and seals this 10th day of February, 1908.

23 The condition of this obligation is such that whereas the above bounden John
24 Doe hath, on the day of the date hereof, obtained in the above entitled action from
25 the circuit court of Cook county, Illinois, an injunction order enjoining and re-
26 straining the said Richard Roe, until the further order of said circuit court,
27 from further proceedings under a judgment for the sum of fourteen hundred
28 dollars (\$1,400) and costs obtained by said Richard Roe against said John Doe
29 in the superior court of Cook county on the 10th day of December, 1907.

30 Now, if the said John Doe shall pay to said Richard Roe all the moneys and
31 costs due to said Richard Roe upon such judgment and also all such damages as
32 may be awarded against said John Doe in case said injunction is dissolved, then
33 this obligation is to be void; otherwise the same is to be and remain in full force
34 and effect.

35 JOHN DOE [SEAL.]

36 WILLIAM DOE [SEAL.]

37 HENRY DOE [SEAL.]

38 Approved February 10, 1908.

39 JOHN JONES, Judge.

Sec. 904. BOND IN OTHER CASES—FORM.] In all other cases before an in-

terlocutory injunction order shall be granted the complainant shall give bond in such penalty and with such security as may be required by the court, judge or master granting the injunction order and conditioned for the payment by the plaintiff to the defendant against whom the injunction order is obtained of all such costs and damages as may be awarded to such defendant against the plaintiff in case the injunction is dissolved: *Provided*, a bond need not be required when, for good cause shown, the judge or master is of opinion that the injunction order ought to be granted without bond. Such bond may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 275.
v.	
Richard Roe.	

INJUNCTION BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and William Doe and Henry Doe, as sureties, are held and firmly bound unto Richard Roe in the penal sum of one thousand dollars (\$1,000) for the payment of which well and truly to be made be bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this 10th day of February, 1908.

The condition of this obligation is such that whereas the above bounden John Doe hath, on the day of the date hereof, obtained in the above entitled action an injunction order enjoining and restraining the said Richard Roe as in said injunction order specified until the further order of said circuit court:

Now, if the said John Doe shall pay to said Richard Roe all such costs and damages as may be awarded to said Richard Roe against said John Doe in case

27 said injunction is dissolved, then this obligation is to be void; otherwise the same
 28 is to be and remain in full force and effect.

29		JOHN DOE	[SEAL.]
30		WILLIAM DOE	[SEAL.]
31		HENRY DOE	[SEAL.]

32 Approved February 10, 1908.

33 JOHN JONES, *Judge*.

34 NOTE.

35 In lieu of the words "as in said injunction order specified" in the above form
 36 there may be inserted a specification of the acts from which the defendant is en-
 37 joined and restrained, or, in case of a mandatory injunction order, the acts which
 38 the defendant is commanded to do.

Sec. 905. REQUISITES OF INTERLOCUTORY INJUNCTION ORDER—FORM.] Every
 2 interlocutory injunction order shall be signed by the judge or master and a min-
 3 ute thereof shall be forthwith entered by the clerk and it shall recite the giving
 4 of the bond, the penalty and the name of the surety, or that the order is granted
 5 without bond, and, if the same be granted without notice to the defendant, it shall
 6 so recite and shall specify the affidavits considered and heard by the judge or
 7 master upon the application for the injunction order and each of said affidavits
 8 shall be marked by the judge by endorsing his initials thereon and the same shall
 9 be filed with the clerk of the court, and, for the purposes of an appeal from such
 10 order, shall be treated and considered as a part of the record in such action, and,
 11 together with the bill and injunction order and a copy of the entries in the register
 12 and minute book, shall constitute the entire record to be considered upon such
 13 appeal. No order granting an injunction shall recite, excepting to the extent in
 14 this section provided, any matters of fact, but the same shall be confined to a spec-
 15 ification of the acts with respect to which the defendant is enjoined. An order
 16 granting an injunction without notice to the defendant may be in substantially
 17 the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

19	John Doe	} In Equity. No. 217. February 10, 1908. Before Hon. John Jones, Judge.
	v.	
20	Richard Roe.	

21 This day, without notice to the defendant, upon the bill of complaint filed
22 herein, the affidavit verifying the same, and the affidavits of George Smith and
23 William Smith filed therewith, the court, having first required the defendant to
24 execute and file herein an injunction bond in the penal sum of one thousand dol-
25 lars (\$1,000), with good and sufficient security to be approved by the court, and
26 the plaintiff having filed said bond with John Smith and William Smith as sure-
27 ties and the same having been approved by the court, doth thereupon, upon con-
28 sideration thereof, order as follows:

First—That the defendant, Richard Roe, he and he is hereby enjoined and restrained, until the further order of this court, from selling, assigning, transferring or otherwise in any manner disposing of the promissory note mentioned in the plaintiff's bill of complaint dated January 2, 1908, for the sum of five hundred dollars (\$500), made by the plaintiff and payable to the order of the defendant at Chicago, Illinois, six months after date with interest at six per cent per annum for value received.

36 *Second*—That the defendant, Richard Roe, be and he is hereby further en-
37 joined and restrained, until the further order of this court, from selling, trans-
38 ferring, conveying, incumbering or in any manner disposing of the south-west
39 quarter of section twenty (20), township thirty-nine (39) north, of range three
40 (3) east of the third P. M. in Cook county, Illinois.

41 JOHN JONES, *Judge.*

Sec. 906. INJUNCTION BOND TO BE FILED.] Every injunction bond shall be
2 filed with the clerk of the court before the entry by such clerk of the minute of
3 the injunction order.

Sec. 907. SERVICE OF INJUNCTION ORDER—FEES.] Any interlocutory injunc-

tion order may be served upon the defendant by any sheriff, deputy sheriff, coroner or deputy coroner of the county in which such service is had or by the bailiff or deputy bailiff of any court of record of such county or by any person over the age of eighteen years, not a party to the action, by delivering to the defendant a certified or sworn copy thereof, together with copies of the plaintiff's bill of complaint, the affidavit verifying the same and the other affidavits filed in support thereof and also a copy of the plaintiff's bond, if any, and informing such defendant of the contents of such certified or sworn copy: *Provided, however,* such copies need not be served with the copy of the order if they shall have been previously delivered to the defendant or to his attorney. But no injunction order need be served upon the defendant if he shall have been present in court by himself or attorney at the time of the granting of such order. When service of any injunction order is made by any sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff, proof of such service may be made by the return of such officer endorsed upon a copy thereof. When service of any such injunction order is made by any person other than a sheriff, deputy sheriff, coroner, deputy coroner, bailiff, or deputy bailiff, proof of such service shall be made by the affidavit of the person making such service endorsed on a copy of such order or attached thereto, which affidavit shall state the name, place of residence, age and occupation of the person making such service and the fact that he is not a party to the action, and shall set forth the date, place and manner of such service. The fees of any sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff, for the service of any injunction order shall be such as may now or hereafter be provided by law for the service of a summons and whenever any injunction order is served by any person other than a sheriff, deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff, the plaintiff shall be entitled to have taxed as costs in the action, in his favor an amount equal to one half of the fees allowed by law to any sheriff for such service.

Sec. 908. DISSOLUTION OF INJUNCTION—ASSESSMENT OF DAMAGES.] In all
 2 cases where an interlocutory injunction order is dissolved by any court of
 3 equity in this State the court, after dissolving such injunction, and before finally
 4 disposing of the action, upon the party claiming damages by reason of such
 5 injunction suggesting in writing the nature and amount thereof, shall hear evi-
 6 dence and assess such damages as the nature of the case may require and to
 7 equity appertain to the party **damni**fied by such injunction and may award ex-
 8 ecution to collect the same: *Provided*, a failure so to assess damages shall not
 9 operate as a bar to an action upon the injunction bond.

Sec. 909. VIOLATION OF INJUNCTION — PUNISHMENT.] Upon satisfactory
 2 proof being made that an injunction order has been violated the court granting
 3 the same may issue an attachment and cause the party violating the injunction
 4 order to be brought before the court and upon his being brought before the
 5 court, unless he shall disprove or purge the said contempt, the court may punish
 6 him therefor in the manner provided by law with respect to other civil con-
 7 tempts of court.

Sec. 910. AMENDMENT NOT TO OPERATE AS DISSOLUTION.] No amendment of
 2 any bill of complaint, cross-bill of complaint, supplemental bill of complaint, or
 3 bill of intervention, shall operate as a dissolution of an injunction order previ-
 4 ously granted unless the court shall expressly so order.

Sec. 911. MOTION TO DISSOLVE—PROCEDURE.] A motion to dissolve an
 2 injunction may be made at any time upon answer or for want of equity
 3 on the face of the plaintiff's bill of complaint. Upon a motion to dissolve an
 4 injunction after answer the court shall not be bound to take the answer as ab-
 5 solutely true, but shall decide the motion upon the weight of the testimony.
 6 The plaintiff may support his bill of complaint and the defendant may sup-
 7 port his answer by affidavits filed with the same, which may be read in evidence
 8 on the hearing of the motion to dissolve the injunction, but the court, in its

9 discretion, may refuse to receive in evidence affidavits and may require the
 10 respective parties to introduce oral evidence in open court in support of and
 11 against such motion. The party moving a dissolution of an injunction shall be
 12 entitled to an immediate hearing thereof unless the opposite party shall show
 13 good and sufficient cause for a postponement of such hearing, and it shall not
 14 be good cause for such postponement that the judge before whom such motion
 15 is to be heard is engaged in the transaction of other business, unless such other
 16 business be another motion for the dissolution of an injunction or for the grant-
 17 ing of an injunction, or the appointment or discharge of a receiver, or the dis-
 18 position of an action of habeas corpus.

Sec. 912. APPEAL NOT TO CONTINUE INJUNCTION IN FORCE—EXCEPTION—POWER
 2 OF SUPREME COURT OR APPELLATE COURT.] No appeal from a decree dissolving an
 3 injunction shall have the effect to continue in force the injunction, unless the
 4 court from which the appeal is taken shall so order, or unless the party taking
 5 the appeal shall, within ten days after the appeal is taken, procure from the
 5 supreme court or the appellate court, as the case may be, or a judge thereof, an
 7 order directing that the appeal shall have the effect to continue such injunction
 8 in force; and no such order shall be granted except for good cause appearing
 9 in the record, nor when the bill is dismissed by the plaintiff. The supreme
 10 court or appellate court, as the case may be, or a judge thereof, may, for good
 11 cause, extend the time for procuring such order.

Sec. 913. BOND FOR CONTINUANCE OF INJUNCTION.] The court or judge
 2 granting the order for the continuance in force of any such injunction may re-
 3 quire, as a condition of granting the same, such further bond and security to
 4 be filed with the clerk of the supreme court or appellate court, as the case may
 5 be, as may be deemed equitable.

Sec. 914. APPLICATION ON SUNDAY—PROCEDURE.] When an application shall
 1 be made on a Sunday for an interlocutory injunction order and there shall be

3 presented with the bill of complaint an affidavit of the plaintiff, or his or her
 4 agent or attorney, stating that the benefit of an injunction will be lost or endan-
 5 gered, or irremediable damage occasioned, unless such injunction be immediate-
 6 ly issued and giving the reasons for such statement, then it shall be lawful for
 7 any judge or officer who is authorized by any law of this State to grant injunc-
 8 tion orders, if it appears to him from such affidavit that the benefits of an in-
 9 junction will be lost or endangered or irremediable damages occasioned unless
 10 such injunction order be immediately granted, and if the plaintiff otherwise be
 11 entitled to such order under the law, to grant an injunction order on a Sunday;
 12 and it shall be lawful for the clerk to enter, and for the sheriff, or other officer or
 13 person, to serve such injunction order on a Sunday as on any other day, and
 14 all affidavits and bonds made and proceedings had in such case shall have the
 15 same force and effect as if made or had on any other day, and such order may
 16 be served in the same manner as in other cases, without the bill of complaint
 17 being filed or a minute of such order being entered until the following day, but
 18 such bill of complaint shall thereupon be filed and a minute of such order en-
 19 tered at or before ten o'clock A. M. of the succeeding day.

Sec. 915. MANDATORY INJUNCTION MAY BE GRANTED.] The court shall have
 2 power to grant a mandatory injunction order, either upon an interlocutory ap-
 3 plication or upon a final hearing, whenever, in its opinion, justice will be pro-
 4 moted thereby.

Sec. 916. PROCEDURE WHEN ACTS SOUGHT TO BE ENJOINED HAVE BEEN ALREADY
 2 DONE.] When, before the filing of the plaintiff's bill of complaint, or after the
 3 filing of the same, but before notice of an application for an interlocutory in-
 4 junction, the defendant shall have done the act or any one or more of several
 5 acts sought to be enjoined by such bill of complaint, the court may, upon the
 6 final hearing, require the defendant, if practicable, to undo the act or acts thus
 7 done or may award the plaintiff any other appropriate relief with respect there-

8 to, and when such act or acts shall have been done by the defendant after the
 9 filing of the plaintiff's bill of complaint and after notice of an application for
 10 an interlocutory injunction order, the court may, in its discretion, upon such
 11 facts being made to appear, grant an interlocutory mandatory injunction or-
 12 der requiring the defendant to undo, if practicable, such act or acts or may
 13 grant the plaintiff such other interlocutory remedial relief as justice may re-
 14 quire.

Sec. 917. WHEN MANDATORY INJUNCTION MAY BE ENFORCED.] No manda-
 2 tory injunction order shall be enforced until the lapse of ten days after the
 3 granting of the order unless it shall appear that irreparable injury will result to
 4 the plaintiff from such delay.

Sec. 918. PROCEDURE WHEN PLAINTIFF MAY BE PROTECTED BY BOND—FORM OF
 2 BOND.] No interlocutory injunction order shall be granted upon an application
 3 made after notice to the defendant, when it shall appear to the satisfaction of
 4 the court that the plaintiff may be amply and properly secured against injury
 5 from the act or acts sought to be enjoined by means of a bond with good and
 6 sufficient security, unless the defendant shall refuse to give such bond in such
 7 amount and with such security as may be approved by the court. Such bond
 8 may be in substantially the following form:

9 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

10 John Doe. }
 v. } In Equity. No. 500.
 11 Richard Roe. }

12 BOND IN LIEU OF INJUNCTION ORDER.

13 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and
 14 Henry Smith and Thomas Jones, as sureties, are held and firmly bound unto
 15 John Doe in the penal sum of five thousand dollars (\$5,000), for the payment
 16 of which, well and truly to be made we bind ourselves, our heirs, executors, ad-
 17 ministrators and assigns, jointly and severally, firmly by these presents.

18 Witness our hands and seals this 10th day of February, 1908.

19 The condition of this obligation is such that whereas the above bounden
20 John Doe hath, on the day of the date hereof, applied in the above entitled
21 action to the circuit court of Cook county, Illinois, for an injunction order en-
22 joining and restraining the said Richard Roe from (here insert the things sought
23 to be enjoined and restrained by the proposed order) until the further order of
24 said circuit court, and whereas said circuit court hath declined to enter the order
25 applied for on condition that the said Richard Roe execute and file in said ac-
26 tion a bond with good and sufficient security to secure the said John Doe against
27 injury from the acts thus sought to be enjoined.

Now, if the said Richard Roe shall pay to said John Doe all costs and damages which may be awarded to said John Doe from the doing by said Richard Roe of the acts, or any of them, thus sought to be enjoined or restrained, if said acts or any of them shall be done by said Richard Roe during the pendency of the above entitled action, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

34 RICHARD ROE [SEAL.]

35 HENRY SMITH [SEAL.]

36 THOMAS JONES [SEAL.]

37 Approved February 10, 1908.

38 JOHN JONES, *Judge.*

39 NOTE.

40 If the injunction order sought is a mandatory injunction order, the above
41 form may be varied from accordingly.

Sec. 919. INTERLOCUTORY ORDERS APPEALABLE—DUTY OF JUDGE.] All inter-
locutory orders granting, refusing, modifying, enlarging or otherwise changing
or dissolving injunctions may be reviewed by appeal in the manner hereinafter
provided in this act. For the purpose of facilitating the prosecution of any
such appeal the judge by whom the order appealed from has been entered shall,

6 upon the demand of the party prosecuting such appeal, proceed forthwith to
 7 settle and sign the report of the proceedings by this act provided for, and the
 8 settling and signing of such report shall take precedence over all other business
 9 pending before such judge.

Sec. 920. INJUNCTIONS IN ELECTION CASES.] In addition to the matters with
 2 respect to which courts of equity have heretofore been authorized to grant in-
 3 junctions, the circuit courts and the superior court of Cook county shall have
 4 power, upon the application of any citizen or citizens of this State, to grant in-
 5 junction orders, both preventive and mandatory, in all cases where such orders
 6 may appear to be convenient and speedy remedies to prevent neglects or vio-
 7 lations by public officers of the provisions of the constitution and laws of this
 8 State pertaining to elections, whether primary or otherwise, or to compel the
 9 observance by public officers of such provisions. But no such order shall be
 10 granted without at least two days previous notice in writing to the officer or
 11 officers sought to be enjoined and to the state's attorney of the county in which
 12 the order is sought of the application therefor, nor shall any such order be-
 13 come effective until the lapse of at least ten days from the date thereof or
 14 such further time as the court granting the order may direct.

Sec. 921. REQUISITES OF BILL IN ELECTION MATTERS—NOTICE.] A bill of com-
 2 plaint for an injunction under the preceding section, if in the form, as near as
 3 may be, hereinbefore prescribed for a bill of complaint in equity, shall be deemed
 4 sufficient, when it sets forth that the plaintiff is a citizen of this State, describes
 5 the official positions of the defendants, specifies the constitutional or statutory
 6 provision or provisions sought to be enforced and that, in the opinion of the
 7 plaintiff, the defendants are about to neglect or violate the same and shall
 8 pray for the enforcement of such provisions by injunction and for general re-
 9 lief and shall be verified by the affidavit of the plaintiff that he believes the alle-
 10 gations of the same to be true and that the bill is exhibited in good faith, and

11 for the sole purpose of securing compliance by the defendants with the pro-
12 visions of the constitution and laws of the State. No service of summons upon
13 the defendants shall be necessary in any such action, but the defendants and the
14 state's attorney, upon being served with notice of the application for the in-
15 junction order and a copy of the bill of complaint, shall be bound to enter their
16 appearance in such action at the time specified in such notice.

Sec. 922. PROCEDURE IN ACTION FOR INJUNCTION AS TO ELECTION.] Every
2 such bill of complaint, when the relief sought thereby pertains to an election
3 to be thereafter held, shall be filed at least thirty days prior to the date fixed
4 by law for the election with respect to which the plaintiff seeks the enforcement
5 of the constitutional or statutory provisions referred to therein, and when any
6 such bill of complaint is filed it shall be the duty of the court in which the same
7 is filed to give the same precedence over the other business of the court and to
8 determine the same speedily and without unnecessary delay. When the injunc-
9 tion order sought for by such bill is denied the court shall at the same time dis-
10 miss the bill of complaint for want of equity. If the relief prayed for by the
11 plaintiff, or any portion thereof, is granted by the court the order granting the
12 same shall be deemed a final decree. The plaintiff may, if he so elect, prosecute
13 an appeal to the supreme court from the decree rendered in such action by
14 filing with the clerk of the court, within five days after rendition of such decree,
15 a notice of appeal and making the deposit hereinafter required. In case the
16 plaintiff shall not within five days from the entry of the decree perfect an ap-
17 peal therefrom as hereinbefore provided any other citizen of this state may, at
18 any time within the succeeding five days prosecute an appeal from such decree
19 to the supreme court by filing with the clerk of the court by which the decree is
20 rendered a notice of appeal and making the deposit hereinafter provided for,
21 and such appeal shall be heard and determined as if the party prosecuting the
22 same were a party to the action. When, in any such action, any decree is ren-
23 dered other than one dismissing the bill of complaint for want of equity, the

24 court, as a part of such decree, shall enter an order allowing to the defendants
 25 an appeal therefrom to the supreme court and it shall be the duty of the de-
 26 defendants to prosecute such appeal. Upon the allowance of such appeal to the
 27 defendants or the filing of such notice of appeal and the making of the deposit
 28 aforesaid by the plaintiff or other citizen of the State, it shall be the duty of the
 29 clerk of the court in which the decree is entered to forthwith transmit to the
 30 clerk of the supreme court the authenticated record hereinafter provided for
 31 and the clerk of the supreme court shall docket the same and it shall thereupon
 32 be the duty of the supreme court to forthwith hear and determine such appeal:
 33 *Provided, however,* that, when it shall be necessary for either party to prepare
 34 a report of the proceedings to be settled and signed by the judge, the trans-
 35 mission of such authenticated record may be delayed by the clerk until such re-
 36 port of the proceedings shall be settled and signed.

DIVISION XLVI.

RECEIVERS.

SECTION

- 923. Definition of receiver.
- 924. Receivers divided into classes.
- 925. Powers and duties of receivers of first class.
- 926. Powers and duties of receivers of second class.
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- 928. Powers and duties of receivers of fourth class.
- 929. Bond by party making application—form.
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SECTION

- 934. Official receiver.
- 935. Bond of official receiver—oath.
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- 937. Salary of official receiver—assistants and employes—attorneys.
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- 940. Expenses of receivership—how paid.
- 941. In what cases official receiver to act.
- 942. Depositories for moneys of official receiver.
- 943. Fees of receivers.
- 944. How receipts of fees, etc., of official receiver disposed of.

Sec. 923. DEFINITION OF RECEIVER.] A receiver is a person standing in-
 2 different between the parties to an action who is appointed by the court to
 3 take charge of property under the direction of the court during the pendency of
 4 the action and to exercise such powers and perform such duties with respect
 5 thereto as may be determined by the court.

Sec. 924. RECEIVERS DIVIDED INTO CLASSES.] Receivers shall be divided into
 2 the following classes:

3 *First*—RECEIVERS TO PRESERVE.] Receivers to preserve property, who shall
 4 be known as receivers of the first class.

5 *Second*—RECEIVERS TO PRESERVE AND COLLECT.] Receivers to preserve prop-
 6 erty and to collect rents and choses in action, who shall be known as receivers
 7 of the second class.

8 *Third*—RECEIVERS TO PRESERVE AND CARRY ON BUSINESS.] Receivers to pre-
 9 serve property and carry on business, who shall be known as receivers of the
 10 third class.

11 *Fourth*—RECEIVERS IN CREDITORS' ACTIONS.] Receivers appointed in credi-
 12 tors' actions and proceedings, who shall be known as receivers of the fourth
 13 class.

Sec. 925. POWERS AND DUTIES OF RECEIVERS OF FIRST CLASS.] A receiver of
 2 the first class shall, by virtue of his appointment and without special direction
 3 of the court, have power and it shall be his duty to take possession and control
 4 of the property of which he is appointed receiver and take all necessary steps
 5 and make all necessary expenditures for the preservation of the property, by
 6 providing storage for, or insuring the same, or employing custodians therefor,
 7 or otherwise, during the continuance of the litigation and to make such dis-
 8 position of such property, from time to time, as may be ordered by the court.

Sec. 926. POWERS AND DUTIES OF RECEIVERS OF SECOND CLASS.] A receiver
 2 of the second class shall, by virtue of his appointment and without special

3 direction of the court, have all the powers and perform all the duties of a re-
 4 ceiver of the first class and shall also have power and it shall be his duty to
 5 take possession and control of the property of which he is appointed receiver,
 6 to collect the rents of, make repairs, pay taxes and special assessments upon, in-
 7 sure and make leases of, real estate, during the term of the receivership; to col-
 8 lect, by action or otherwise, all promissory notes and all choses in action; to re-
 9 duce to money all property of a perishable nature, and to institute and prose-
 10 cute, in his own name as receiver, any action which could be prosecuted by the
 11 party of whose property he is appointed receiver.

Sec. 927. POWERS AND DUTIES OF RECEIVERS OF THIRD CLASS.] A receiver of
 2 the third class shall, by virtue of his appointment and without special direction
 3 by the court, have all the powers of a receiver of the second class and shall also
 4 have power and it shall be his duty, until otherwise directed by the court, to
 5 continue the carrying on of the business of the person, co-partnership or cor-
 6 poration of whose property he is appointed receiver and for that purpose to
 7 employ all necessary agents, clerks, and other employees and to incur all neces-
 8 sary expenditures.

Sec. 928. POWERS AND DUTIES OF RECEIVERS OF FOURTH CLASS.] A receiver
 2 of the fourth class shall, by virtue of his appointment and without special di-
 3 rection by the court, have all the powers and perform all the duties of a re-
 4 ceiver of the second class and shall also be vested with all the right, title and
 5 interest existing in the judgment debtor at the time of the appointment in and
 6 to all property of the judgment debtor of every kind and character and also
 7 with the right to maintain, in his own name, as such receiver, any action which
 8 could be maintained by the judgment debtor and also any action which could
 9 be maintained by the judgment creditor by whom the creditor's action or pro-
 10 ceeding has been instituted, or by any other judgment creditor, who, by bill
 11 of intervention or otherwise, has become a party to such creditor's action or

12 proceeding, to set aside any conveyance, encumbrance, transfer or other dis-
 13 position of property made by the judgment debtor for the purpose of hindering,
 14 delaying or defrauding his creditors, or to otherwise obtain satisfaction of
 15 such creditor's judgment.

Sec. 929. BOND BY PARTY MAKING APPLICATION — FORM.] Before any re-
 2 ceiver shall be appointed the party making the application shall give a bond
 3 payable to the People of the State of Illinois, with such penalty and such
 4 security as may be approved by the court, conditioned for the payment to the
 5 adverse party and to all other parties in interest, of all damages, including reason-
 6 able attorney's fees, sustained by reason of the appointment and the costs of such
 7 receivership, in case the appointment of such receiver is revoked or set aside:
 8 *Provided, however,* that such bond need not be required when, for good cause
 9 shown and upon notice and full hearing, the court is of opinion that a receiver
 10 ought to be appointed without such bond. Such bond may be in substantially
 11 the following form:

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13 John Doe et al }
 v. } In Equity. No. 500.
 14 Richard Roe et al. }

15 BOND FOR ORDER FOR APPOINTMENT OF RECEIVER.

16 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and
 17 William Doe and Henry Doe, as sureties, are held and firmly bound unto Rich-
 18 ard Roe in the penal sum of three thousand dollars (\$3,000) for the payment
 19 of which well and truly to be made we bind ourselves, our heirs, executors, ad-
 20 ministrators and assigns, jointly and severally, firmly by these presents.

21 Witness our hands and seals this 10th day of February, 1908.

22 The condition of this obligation is such that whereas the circuit court of
 23 Cook county, Illinois, upon the application of the above bounden John Doe is
 24 about to enter an order in the above entitled action for the appointment of a
 25 receiver of the second class:

26 Now, if the said John Doe shall pay to the defendant Richard Roe and to
 27 all other parties in interest all damages, including reasonable attorney's fees,
 28 sustained by them respectively by reason of the appointment of such receiver
 29 and also the costs of such receivership, in case the appointment of such receiver
 30 is revoked or set aside, then this obligation is to be void; otherwise the same
 31 is to be and remain in full force and effect.

32 JOHN DOE [SEAL.]

33 WILLIAM DOE [SEAL.]

34 HENRY DOE [SEAL.]

35 Approved February 10, 1908.

36 JOHN JONES, *Judge*.

Sec. 930. ORDER TO SPECIFY CLASS OF RECEIVER APPOINTED.] It shall not be
 2 necessary or permissible in any order appointing a receiver to recite at length
 3 the powers and duties of such receiver, but it shall be sufficient to specify the
 4 property with respect to which the appointment is made and to specify the class
 5 to which the receiver belongs and the person so appointed shall thereupon possess
 6 all the powers and perform all the duties of a receiver of such class. But the
 7 court may, by a subsequent order, change the classification of the receivership, or
 8 may confer upon the receiver powers in addition to those specified in this act.
 9 When a receiver is appointed without notice to the defendants, the order shall
 10 so recite and shall specify the affidavits considered and heard by the judge upon
 11 the application for the order and each of said affidavits shall be marked by the
 12 judge by endorsing his initials thereon and the same shall be filed with the clerk
 13 of the court, and, for the purposes of an appeal from such order, shall be treated
 14 and considered as a part of the record in the action, and together with the bill
 15 and order appointing a receiver and a copy of the entries in the register and
 16 minute book, shall constitute the entire record to be considered upon such ap-
 17 peal: *Provided, however,* that the court appealed to may, upon the hearing of
 18 such appeal, permit the introduction of further evidence as hereinafter provided.

Sec. 931. RECEIVER TO GIVE BOND—EXCEPTION—FORM.] Before the entry of
 2 any order appointing a receiver the court shall require such receiver to execute
 3 and deliver to the clerk of the court, to be filed at the time of the entry of the
 4 order of appointment, a bond payable to the People of the State of Illinois in
 5 such sum and with such surety or sureties as the court may deem sufficient, con-
 6 ditioned for the faithful performance of his duties as such receiver and that he
 7 will account for and pay and deliver over all money and property which may come
 8 into his hands as such receiver in accordance with the orders of the court or as
 9 may be required by law: *Provided, however,* that no bond need be required of
 10 any official receiver of the court appointed as hereinafter provided other than
 11 the bond required of him as such official receiver. The following form of bond
 12 provided for by this section shall be deemed sufficient and shall be taken as fur-
 13 nishing suggestions from which other receivers' bonds may be properly framed:

14 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

15 John Doe et al. }
 v. } In Equity. No. 475.
 16 Richard Roe et al. }

17 RECEIVER'S BOND.

18 KNOW ALL MEN BY THESE PRESENTS, That we, Solomon Brown, as principal,
 19 and Henry Jones and Thomas Smith, as sureties, are held and firmly bound un-
 20 to the People of the State of Illinois, in the penal sum of ten thousand dollars
 21 (\$10,000) for the payment of which well and truly to be made we bind ourselves,
 22 our heirs, executors, administrators and assigns, jointly and severally, firmly by
 23 these presents.

24 Witness our hands and seals this 10th day of February, 1908.

25 The condition of this obligation is such that whereas the circuit court of
 26 Cook county, Illinois, has, on the day of the date hereof, entered an order in the
 27 above entitled action appointing the above bounden Solomon Brown as a receiver
 28 of the second class therein:

29 Now, if the said Solomon Brown shall faithfully perform his duties as such
 30 receiver and shall account for and pay and deliver over all money and property
 31 which may come into his hands as such receiver in accordance with the orders
 32 of said court or as may be required by law, then this obligation is to be void;
 33 otherwise the same is to be and remain in full force and effect.

34 SOLOMON BROWN, [SEAL.]

35 HENRY JONES, [SEAL.]

36 THOMAS SMITH, [SEAL.]

37 Approved February 10, 1908.

38 JOHN JONES, *Judge.*

Sec. 932. CERTIFIED COPY TO BE PRIMA FACIE EVIDENCE.] A certified copy of
 2 the order appointing a receiver together with a certificate of the clerk that such
 3 receiver has filed his bond in compliance with the order, in case such order re-
 4 quires the filing of such bond, shall be received in every court in this State as
 5 prima facie evidence of the validity of such appointment and of the right of the
 6 person appointed to exercise the powers of a receiver of the class specified in
 7 such order of appointment. The following forms of certificates provided for
 8 by this section shall be deemed sufficient and shall be taken as furnishing sug-
 9 gestions from which other certificates may be properly framed:

10 1. CERTIFICATE WHEN NO BOND IS REQUIRED OF RECEIVER.

11 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

12 John Doe et al. }
 v. } In Equity. No. 175.
 13 Richard Roe et al. }

14 CERTIFICATE.

15 I, John Smith, clerk of the circuit court of Cook county, Illinois, do hereby
 16 certify that the annexed is a true copy of an order entered by said court in the
 17 above entitled action on the 10th day of February, 1908.

18 Witness my hand and the seal of said circuit court at Chicago, Illinois, this

19 12th day of February, 1908.

20 JOHN SMITH, *Clerk.*

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17 mon Brown, to execute and deliver to the clerk of this court to be filed at the
 18 time of the entry of this order a receiver's bond payable to the People of the
 19 State of Illinois in the penal sum of ten thousand dollars (\$10,000) with Frank
 20 Smith and George Jones as sureties, conditioned as provided by law.

21 2. ORDER APPOINTING RECEIVER WHEN NO BOND IS REQUIRED AND OFFICIAL RE-
 22 CEIVER IS APPOINTED WITHOUT BOND.

23 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

24 John Doe et al. } In Equity. No. 475.
 v. } February 10, 1908.
 25 Richard Roe et al. } Before Hon. John Jones, Judge.

26 This day on motion of the plaintiffs, due notice having been given to the
 27 defendants and a full hearing having been had, it is ordered by the court that
 28 Solomon Brown, the official receiver of this court, be and he is hereby appointed
 29 as receiver of the first class of (here specify property of which he is appointed
 30 receiver).

31 3. ORDER APPOINTING RECEIVER WITHOUT NOTICE.

32 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

33 John Doe et al. } In Equity. No. 475.
 v. } February 10, 1908.
 34 Richard Roe et al. } Before Hon. John Jones, Judge.

35 This day, on motion of the plaintiffs and without notice to the defendants,
 36 upon the bill of complaint filed herein, the affidavit verifying the same and the
 37 affidavit of George Smith and William Smith filed therewith, the court having
 38 first required the plaintiffs to execute and file herein a bond in the sum of five
 39 thousand dollars (\$5,000) with security to be approved by the court and con-
 40 ditioned as required by law in such cases, and the plaintiff having filed such
 41 bond with Henry Brown and Henry Jones as sureties and the same having been
 42 approved by the court, it is ordered by the court that Solomon Brown be and
 43 he is hereby appointed as receiver of the second class of (here specify property
 44 of which he is appointed receiver), he the said Solomon Brown to execute and
 45 deliver to the clerk of this court, to be filed at the time of the entry of this order,

46 a receiver's bond payable to the People of the State of Illinois in the penal sum
 47 of ten thousand dollars (\$10,000) with Frank Smith and George Jones as sure-
 48 ties, conditioned as provided by law.

Sec. 934. OFFICIAL RECEIVER.] The judges of the circuit court of each county
 2 other than Cook, and, in Cook county, the judges of the circuit court and the
 3 judges of the superior court of said county respectively, may appoint for their
 4 respective courts an official receiver and it shall be the duty of the judges of each
 5 of said courts to make such appointment of an official receiver for the court of
 6 which they are judges whenever the business to be disposed of, without the inter-
 7 vention of a jury, in such court shall be sufficient to occupy, during nine
 8 months of the year, the entire time of one or more of the judges of such court.

Sec. 635. BOND OF OFFICIAL RECEIVER—OATH.] Every person appointed as
 2 official receiver under the preceding section shall, before entering upon the dis-
 3 charge of the duties of his office, execute and file with the clerk of the court in
 4 and for which he is appointed a bond payable to the People of the State of
 5 Illinois, with such penalty and such security as may be approved by the court,
 6 conditioned for the faithful performance of his duties as such official receiver
 7 and that he will account for and pay and deliver over all money and property
 8 which may come into his hands as such receiver, in accordance with the orders
 9 of the court or as may be required by law. Additional bonds may be required
 10 from such official receiver from time to time, in the discretion of the court.
 11 The expense of obtaining such official receiver's bond shall be payable out of
 12 the county treasury of the county in and for which he is appointed.
 13 Such receiver shall also, before entering upon the discharge of the duties of his
 14 office, take and subscribe and file with the clerk of the court in and for which he
 15 is appointed the following oath or affirmation:

16 I do solemnly swear (or affirm, as the case may be) that I will support the
 17 Constitution of the United States and the Constitution of the State of Illinois,

18 and that I will faithfully discharge the duties of the office of official receiver of
19 the court ofcounty to the best of my ability.

Sec 936. CERTIFIED COPY OF ORDER TO BE PRIMA FACIE EVIDENCE—FORM OF CER-
2 TIFICATE.] When any official receiver is appointed as aforesaid and has filed his
3 bond as hereinbefore provided the clerk of the court shall deliver to said official
4 receiver a certified copy of the order of his appointment with a certificate thereto
5 attached of the filing by such receiver of the bond hereinbefore provided for,
6 which certified copy shall be received in every court of this state as prima facie
7 evidence of the right of the person appointed to exercise the powers and perform
8 the duties of the office of official receiver. The certificate herein provided for
9 may be in substantially the following form:

10 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

11 In the matter of the appoint-	}	Special Proceeding.
12 ment of official receiver of		
13 the Circuit Court of Cook		
14 County.		

No. 160.

15 I, John Smith, clerk of the circuit court of Cook county, Illinois, do hereby
16 certify that the annexed is a true copy of an order entered by said court on
17 the 10th day of February, 1908, and that said Samuel Jones therein named has
18 duly filed his bond in said court in compliance with said order.

19 Witness my hand and the seal of said circuit court at Chicago, Illinois,
20 this 12th day of February, 1908.

21 JOHN SMITH, *Clerk.*

Sec. 937. SALARY OF OFFICIAL RECEIVER — ASSISTANTS AND EMPLOYES—ATTOR-
2 NEYS.] Such official receiver shall receive such salary as may be fixed by the
3 court in the order of appointment and such salary may be increased or dimin-
4 ished, from time to time, in the discretion of the court: *Provided, however, that*
5 the salary of no receiver shall exceed that of a judge of the circuit court of the
6 county in which he is appointed. He may appoint such number of assistants,
7 one or more of whom shall be competent attorneys at law, and other employes

8 as may be determined, from time to time, by a majority of the judges of the
 9 court, whose salaries shall be fixed, from time to time, by the court and shall be
 10 subject to be increased or diminished from time to time in the discretion of the
 11 court. Such assistants and employes shall give bond to be approved by the court
 12 conditioned, as near as may be, like the bond required of the official receiver,
 13 and shall be subject to removal at any time by an order of court. All busi-
 14 ness of the official receiver requiring the services of a competent attorney at law
 15 shall be attended to by one or more of the assistants of such receiver: *Provided,*
 16 *however,* that in any action prosecuted by a receiver of the fourth class the
 17 attorney at law to represent such receiver therein may be selected by the cred-
 18 itor at whose instance such receiver is appointed and, when so selected, may
 19 be paid a reasonable compensation, to be fixed by the court, out of any moneys
 20 collected in the action in which the receiver is appointed: and, *provided, further,*
 21 that in any case of unusual importance or difficulty the court may specially
 22 authorize the employment of an attorney at law who is not an assistant of the
 23 receiver.

Sec. 938. SUITABLE ROOMS, STATIONERY, ETC., FOR RECEIVER.] Suitable rooms
 2 shall be provided for such official receiver by the judges of the court making the
 3 appointment and also all necessary books and stationery, the expenses thereof
 4 to be paid in the manner hereinafter provided.

Sec. 939. COMPENSATION OTHER THAN SALARY FORBIDDEN.] No receiver, assist-
 2 ant or employe shall receive, either directly or indirectly, any profit, emolument,
 3 compensation or gratuity of any kind or character by virtue or by means or by
 4 reason of his office or employment, other than his salary as hereinbefore pro-
 5 vided for.

Sec. 940. EXPENSES OF RECEIVERSHIP—HOW PAID.] All expenses incurred by
 2 such receiver in and about each receivership shall be paid by him out of the

3 moneys or property which may come into his hands by virtue of such receiver-
4 ship and shall be a first lien upon all property of which he is appointed receiver.

Sec. 941. IN WHAT CASES OFFICIAL RECEIVER TO ACT.] In any county in which
2 an official receiver has been appointed as hereinbefore provided he shall act as
3 receiver in every action in which a receiver may be appointed by the court, un-
4 less all the parties to the action in which the receiver is appointed shall, by an
5 instrument in writing signed by each of them, or by their respective attorneys,
6 agree to and request the appointment of some other person or corporation, in
7 which case the person or corporation so requested to be appointed shall be ap-
8 pointed by the court.

Sec. 942. DEPOSITORIES FOR MONEYS OF OFFICIAL RECEIVER.] The court ap-
2 pointing an official receiver shall designate one or more depositories for the
3 deposit and safe-keeping of the moneys which may come into the hands of such
4 receiver by virtue of his appointment and may, in its discretion, require any
5 person or persons, corporation or corporations, appointed as such depository
6 or depositories, to give a bond or bonds with good and sufficient sureties for the
6 safe keeping of the moneys deposited by such official receiver, and it shall be
7 the duty of the court to require every such depository to pay to such receiver,
8 upon the money deposited with such depository, such rate of interest as may
9 be, from time to time, the prevailing rate of interest paid by bankers and bank-
10 ing corporations upon similar deposits, and the interest so paid shall be account-
11 ed for by such receiver as a part of the earnings of his office.

Sec 943. FEES OF OFFICIAL RECEIVERS.] An official receiver, in addition to
2 reimbursement on account of the expenditures made or liabilities incurred by
3 him with respect to the property of which he is appointed receiver, which ex-
4 penditures and liabilities are to be determined by the court by which he is ap-
5 pointed, shall receive the following fees and allowances and no others.

6 *First*—ADVANCE PAYMENT.] An advance payment to be fixed by the court at
 7 the time of the appointment of the receiver and to be paid by the party on whose
 8 application the receiver is appointed, the same to be refunded to such party out
 9 of the property embraced in the receivership in case it shall be finally determined
 10 that the appointment of the receiver was rightful, which advance payment shall
 11 not be less than ten dollars (\$10) nor more than five hundred dollars
 12 (\$500), the amount to be fixed by the court upon consideration of all the circum-
 13 stances bearing upon the probable amount of work to be performed and expendi-
 14 tures made by the receiver.

15 *Second*—COMMISSION.] A commission based upon the value, to be estimated
 16 by the court, of the property embraced in the receivership, which commission
 17 shall be as follows:

18 *a*—When the value of the property does not exceed one thousand dollars
 19 (\$1,000) such commission shall be five per cent. thereof.

20 *b*—When the value of the property exceeds one thousand dollars (\$1,000),
 21 but does not exceed five thousand dollars (\$5,000), such commission shall be five
 22 (5) per cent. on the first one thousand dollars (\$1,000) and three (3) per cent.
 23 on the balance.

24 *c*—When the value of the property exceeds five thousand dollars (\$5,000),
 25 but does not exceed ten thousand dollars (\$10,000), such commission shall be
 26 five (5) per cent. on the first one thousand dollars (\$1,000), three (3) per cent. on
 27 the next four thousand dollars (\$4,000), and two (2) per cent. on the balance.

28 *d*—When the value of the property exceeds ten thousand dollars (\$10,000),
 29 but does not exceed one hundred thousand dollars (\$100,000), such commission
 30 shall be five (5) per cent. on the first one thousand dollars (\$1,000), three (3) per
 31 cent. on the next four thousand dollars (\$4,000), two (2) per cent. on the next
 32 five thousand dollars (\$5,000) and one (1) per cent. on the balance.

33 *e*—When the value of the property exceeds one hundred thousand dollars
 34 (\$100,000) such commission shall be five (5) per cent. on the first one thousand

35 dollars (\$1,000), three (3) per cent. on the next four thousand dollars (\$4,000),
 36 two (2) per cent. on the next five thousand dollars (\$5,000), one (1) per cent.
 37 on the next ninety thousand dollars (\$90,000) and one-half ($1\frac{1}{2}$) of one (1) per
 38 cent. on the balance: *Provided, however*, that whenever any receivership shall
 39 be terminated within one year after the entry of the order appointing the re-
 40 ceiver, the court may, in its discretion, allow such deduction from the commis-
 41 sion thus fixed, as the court, under all circumstances, may deem reasonable:
 42 and *provided further*, that as to so much of the property embraced in the re-
 43 ceivership as consists of real estate which is not converted into money the com-
 44 mission shall be computed upon the rental value thereof during the pendency of
 45 the receivership.

46 *Third*—ALLOWANCE FOR TIME OF RECEIVER AND ASSISTANTS, EXCEPT ATTORNEY.]

47 An allowance to be fixed by the court at the termination of the receivership
 48 sufficient to compensate for the time actually devoted by the receiver and his as-
 49 sistants and salaried employes, not including assistants performing services as
 50 attorneys at law, to the work of the receivership, of which an accurate account
 51 shall be kept by such receiver, assistants, and salaried employes.

52 *Fourth*—ALLOWANCE TO ATTORNEY ASSISTANT OF RECEIVER.] An allowance to
 53 be fixed by the court at the termination of the receivership, or allowances to
 54 to be fixed from time to time during the continuance of the receivership, for
 55 the services of assistants of the receiver who are attorneys at law.

56 *Fifth*—ALLOWANCES TO OTHER ATTORNEYS.] Allowances to be fixed by the
 57 court from time to time for the services of attorneys at law specially employed
 58 as hereinbefore provided.

Sec. 944. HOW RECEIPTS OF FEES, ETC., OF OFFICIAL RECEIVER DISPOSED OF.] All
 2 receipts of every official receiver of fees and allowances shall be held and dis-
 3 posed of by such official receiver in such manner as the judges of the court by
 4 whom he is appointed may, by rules, provide, and the same, excepting allow-
 5 ances to attorneys at law not assistants of the receiver, shall be used, so far

6 as may be necessary, by said judges in the payment of the salaries of the receiver,
 7 er, his assistants and other employes, the rent of the necessary rooms for such
 8 receiver, assistants and employes, and the cost of all necessary books and stationery
 9 for the general purposes of the office of the receiver and not chargeable
 10 to any particular receivership estate. At the end of each six months the respective
 11 judges shall ascertain the total fees collected or retained by the receiver
 12 and the amount paid or to be paid therefor on account of the salaries and other
 13 expenses in this section provided for, and the balance of such fees, after deducting
 14 such salaries and expenses, shall be paid into the county treasury of the county
 15 in which the court is held. But if such salaries and expenses shall exceed such fees,
 16 the deficit shall be paid out of the county treasury of the county in which such court
 17 is held in such manner as said judges may determine.

DIVISION XLVII.

NE EXEAT.

SECTION

- 945. When ne exeat may issue.
- 946. When writ may issue against co-obligor or co-debtor,
- 947. What courts may issue writ—power of master in chancery.
- 948. How action commenced—form of bill.
- 949. How order for ne exeat obtained—form of order and bonds.

SECTION

- 950. Action by defendant on bond—assessment of damages.
- 951. To what court writ returnable—form.
- 952. Bond to be given by defendant—breach.
- 953. Surety may surrender principal.
- 954. Procedure on return of writ.
- 955. Writ may be quashed or set aside.

Sec. 945. WHEN NE EXEAT MAY ISSUE.] Writs of ne exeat republica may
 2 hereafter be granted as well in cases where the debt or demand is not actually
 3 due, but exists fairly and bona fide in expectancy at the time of making appli-
 4 cation, as in cases where the demand is due; and it shall not be necessary to
 5 authorize the granting of the writ of ne exeat, that the claimant should show

6 that the debt or demand is purely of an equitable character and only cog-
7 nizable before a court of equity

Sec. 946. WHEN WRIT MAY ISSUE AGAINST CO-OBLIGOR OR CO-DEBTOR.] In cases
2 of joint, or joint and several, obligors or debtors, if one or more of them be
3 about to remove without the jurisdictional limits of this state, taking their
4 property with them, leaving one or more co-obligors or co-debtors bound with
5 them for the payment of any sum of money or for the delivery of any article
6 of property, or for the conveyance of land at a certain time, which time shall
7 not have arrived at the time of such intended removal, such co-obligor or co-
8 debtor who remains shall be entitled, upon application, to a writ of ne exeat, to
9 compel the co-obligor or co-debtor who is about to remove to secure the pay-
10 ment of his part of the sum to be paid, or the delivery of the property, or to
11 convey, or to join in the conveyance of the land. Also, in cases of security, the
12 writ of ne exeat may issue, on application of a surety, against the principal or
13 co-surety when the obligation or debt shall not be yet due and the principal or
14 co-surety is about to remove out of the state.

Sec. 947. WHAT COURTS MAY ISSUE WRIT—POWER OF MASTER IN CHANCERY.]
2 The superior court of Cook county and the circuit courts shall have power to
3 grant writs of ne exeat, and, when no judge of either of said courts who is
4 able to act is present in the county, any master in chancery of such court may
5 order the issuing of such writs.

Sec. 948. HOW ACTION COMMENCED.] The action of ne exeat shall be com-
2 menced by the filing by the plaintiff with the clerk of the proper court of a bill
3 of complaint in equity, which bill of complaint shall be framed in accordance
4 with the rules in this act prescribed for the framing of such bills and shall be
5 verified by the affidavit of the plaintiff, his agent or attorney.

Sec. 949. HOW ORDER FOR NE EXEAT OBTAINED—FORM OF ORDER AND BONDS.]
2 Upon the filing of such bill of complaint the court or master in chancery, as the

3 case may be, if such court or master find such bill to be sufficient, upon the exe-
 4 cution by the plaintiff of a bond in such sum and with such surety or sureties as
 5 the court or master shall deem proper or sufficient, conditioned that the plaintiff
 6 will prosecute his bill of complaint with effect and that he will reimburse to the
 7 defendant such damages and costs as he shall wrongfully sustain by occasion
 8 of such writ, shall sign and cause to be entered an order directing the issuance
 9 of such writ of ne exeat, in which order the court or master shall state in what
 10 penalty bond and security shall be required of the defendant. The following
 11 forms of bond to be executed by the plaintiff, and order entered by the court or
 12 master, shall be deemed sufficient and shall be taken as furnishing suggestions
 13 from which other bonds and orders may be properly framed:

14 1. NE EXEAT BOND EXECUTED BY PLAINTIFF.

15 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

16 John Doe
 17 v. Richard Roe. } In Equity. No. 75.

18 PLAINTIFF'S NE EXEAT BOND.

19 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and Wil-
 20 liam Doe and Henry Doe, as sureties, are held and firmly bound unto Richard Roe
 21 in the penal sum of five thousand dollars (\$5,000) for the payment of which
 22 well and truly to be made we bind ourselves, our heirs, executors, administrat-
 23 ors and assigns, jointly and severally, firmly by these presents.

24 Witness our hands and seals this 10th day of February, 1908.

25 The condition of the above obligation is such that whereas the circuit court
 26 of Cook county, Illinois, on the day of the date hereof and upon the application
 27 of the above bounden John Doe, did enter an order in the above entitled action
 28 directing the issuance of a writ of ne exeat for the arrest of the said Richard
 29 Roe:

30 Now, if the said John Doe shall prosecute his bill of complaint in the above
 31 entitled action with effect and shall reimburse to the said Richard Roe such dam-

ages and costs as he, the said Richard Roe, shall wrongfully sustain by occasion of such writ of ne exeat, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

JOHN DOE. [SEAL.]

WILLIAM DOE. [SEAL.]

HENRY DOE. [SEAL.]

Approved by me this 10th day of February, 1908.

JOHN JONES, *Judge*.

2. ORDER FOR WRIT OF NE EXEAT.]

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} In Equity. No. 75.
v.	
Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

This day, on motion of the plaintiff, upon the bill of complaint herein and the affidavit verifying the same, the court having first required the plaintiff to execute and file herein a bond in the penal sum of five thousand dollars (\$5,000) with security to be approved by the court and conditioned as required by law in such cases, and the plaintiff having filed such bond with William Doe and Henry Doe as sureties, and the same having been approved by the court, it is ordered by the court that a writ of ne exeat be issued herein for the appearance of the defendant on the 24th day of February, 1908, and for the commitment of said defendant, Richard Roe, to the county jail of Cook county, unless he shall give a bond in the penal sum of two thousand dollars (\$2,000) with good and sufficient sureties conditioned as provided by law.

JOHN JONES, *Judge*.

NOTE.

If the order is made by a master in chancery it shall be signed by him and in lieu of the words "Before Hon. John Jones, Judge," there may be inserted the words "Before (here insert name of master) Esq., Master in Chancery."

Sec. 950. ACTION BY DEFENDANT ON BOND—ASSESSMENT OF DAMAGES.] If any
 2 defendant to such action of ne exeat shall think himself aggrieved he may bring
 3 action on such bond; and if, on trial, it shall appear that such writ of ne exeat
 4 was prayed for without a just cause, the person injured shall recover damages
 5 to be assessed as in other actions on penal bonds. In every case where a writ of
 6 ne exeat is quashed or set aside by any court of equity in this state, the court,
 7 after quashing or setting aside such writ of ne exeat and before finally disposing
 8 of the action, upon the party claiming damages by reason of such writ of ne exeat
 9 suggesting, in writing, the nature and amount thereof, shall hear evidence and
 10 assess such damages as the nature of the case may require, and to equity apper-
 11 tain, to the party damnified by such writ of ne exeat and may award execution
 12 to collect the same: *Provided, however,* that a failure so to assess damages
 13 shall not operate as a bar to an action upon the ne exeat bond.

Sec. 951. TO WHAT COURT WRIT RETURNABLE—FORM.] Every writ of ne exeat
 2 shall be returnable into the court out of which it issued. Such writ of ne exeat
 3 shall be in substantially the following form:

4 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

5 John Doe
 v.
 6 Richard Roe. } In Equity. No. 75.

7 WRIT OF NE EXEAT.

8 The People of the State of Illinois—GREETING to the sheriff of Cook county:

9 You are hereby commanded to summon Richard Roe to personally be and
 10 appear before the circuit court of Cook county, Illinois, at the county court-
 11 house in Chicago, in said county, on the 24th day of February, 1908, to answer to
 12 the above entitled action in equity brought against him in said court by John
 13 Doe.

14 You are further commanded that, if the said Richard Roe shall not give a
 15 bond in the penal sum of two thousand dollars (\$2,000) with good and sufficient

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22 Witness our hands and seals this 12th day of February, 1908.

23 The condition of this obligation is such that if the above bounden Richard
24 Roe shall not depart the State of Illinois without leave of the circuit court of
25 Cook county, Illinois, and that he will render himself in execution to answer
26 any judgment or decree which the court may render against him in the above
27 entitled action, then this obligation is to be void; otherwise the same is to be
28 and remain in full force and effect.

29 RICHARD ROE, [SEAL.]

30 • THOMAS JONES, [SEAL.]

31 WILLIAM SMITH, [SEAL.]

32 Approved by me this 12th day of February, 1908.

33

GEORGE SMITH, *Sheriff*.

Sec. 953. SURETY MAY SURRENDER PRINCIPAL.] The surety in any bond for
2 the defendant as aforesaid may, at any time before the said bond shall be for-
3 feited, surrender the said defendant, in exoneration of himself, in the same man-
4 ner that bail may surrender their principal and obtain the same discharge.

Sec. 954. PROCEDURE ON RETURN OF WRIT.] On the return of the writ of ne
2 exeat, if the same shall have been duly served, the court shall proceed there-
3 in as in other cases in chancery if the true performance of the duty or
4 obligation of the defendant has expired; if not, then the proceedings shall be
5 stayed until it has expired.

Sec. 955. WRIT MAY BE QUASHED OR SET ASIDE.] Nothing contained in the
2 preceding sections shall prevent the court from proceeding at any time to deter-
3 mine whether the writ ought not to be quashed or set aside.

DIVISION XLVIII.

CONTEMPT OF COURT.

SECTION

956. How contempt may be committed.
 957. No other act to be punished as contempt.
 958. Contempts civil and criminal—definitions.
 959. Punishment of civil contempt.
 960. Punishment of criminal contempt.
 961. Action of contempt—jurisdiction.
 962. In whose name action commenced.
 963. How action of civil contempt commenced—forms.
 964. Procedure when defendant fails to appear—forms.

SECTION

965. Procedure when defendant appears and admits, etc.—found guilty—form of judgment.
 966. Procedure when defendant appears and denies, etc.—form of judgment.
 967. Procedure when defendant not guilty—form of order.
 968. In whose name criminal contempt prosecuted.
 969. Procedure when contempt is in presence of court—form of judgment.
 970. Procedure when contempt is not in presence of court.
 971. Forms.

Sec. 956. HOW CONTEMPT MAY BE COMMITTED.] Contempt of court may be

2 committed in either one of the following ways:

3 *First*—MISBEHAVIOR IN PRESENCE OF COURT.] By misbehavior of any person
 4 in the presence of the court, or so near thereto as to obstruct the administration
 5 of justice.

6 *Second*—MISBEHAVIOR OF OFFICER OF COURT.] By misbehavior of any officer
 7 of the court in an official transaction.

8 *Third*—DISOBEDIENCE OF WRIT OR ORDER.] By disobedience or resistance by any
 9 officer of the court, or by any party, juror, witness, or other person, to any law-
 10 ful writ, process, order, rule, decree or command of the court.

Sec. 957. NO OTHER ACT TO BE PUNISHED AS CONTEMPT.] No court of record of
 2 this state shall have power to punish, as a contempt of court, any act unless the
 3 same is included in those specified in the preceding section, or is expressly de-
 4 clared to be a contempt of court by some other provision of this act.

Sec. 958. CONTEMPTS CIVIL AND CRIMINAL—DEFINITIONS.] Contempts may be
 2 either civil or criminal. A civil contempt shall consist of willful disobedience

3 by any party to a civil or quasi criminal action of an order made by the court
 4 in such action for the benefit of the opposing party therein. Every other con-
 5 tempt shall be deemed a criminal contempt.

Sec. 959. PUNISHMENT OF CIVIL CONTEMPT.] When the contempt is a civil
 2 contempt the punishment therefor may be as follows:

3 *First*—REFUSAL TO DO SOMETHING ORDERED TO BE DONE.] When the contempt
 4 consists in the willful refusal of the defendant to do something directed by the
 5 order of the court to be done by him, the punishment shall be a fine not exceeding
 6 five hundred dollars (\$500), which fine when collected shall be paid to the plain-
 7 tiff, and, in addition to such fine the court may sentence the defendant to im-
 8 prisonment in the county jail, house of correction or work house, until the de-
 9 fendant does the thing directed by the order of the court to be done, or until he
 10 is discharged according to law.

11 *Second*—DOING SOMETHING FORBIDDEN TO BE DONE.] When the contempt con-
 12 sists in the doing by the defendant of something which he is forbidden by the
 13 order to do, the punishment shall be a fine in such sum as, in the opinion of the
 14 court, will compensate the party in whose favor the order has been entered for
 15 the wrongful act of the defendant, which fine when collected shall be paid to the
 16 plaintiff, and, in addition to such fine the court may sentence the defendant to
 17 imprisonment in the county jail, house of correction or workhouse, for not ex-
 18 ceeding six months and until such time thereafter as the defendant shall give
 19 security for future compliance by him with the order of the court, or until he
 20 shall be discharged according to law.

21 *Third*—WHEN DEFENDANT IS CORPORATION.] When the contempt is committed
 22 by a corporation the fines in the two preceding clauses provided for shall be im-
 23 posed upon the corporation and the imprisonment therein provided for may be
 24 imposed upon such officer or officers, agent or agents, of the corporation as the
 25 court may find to be responsible for the commission of the contempt, or the
 26 court may, in its discretion, in lieu of or in addition to the imprisonment of

27 such officer or officers, agent or agents, appoint a receiver of the property of
 28 such corporation during such time as may be necessary to secure compliance
 29 by the corporation with the order of the court, the expenses of such receivership
 30 to be borne by such corporation.

Sec. 960. PUNISHMENT OF CRIMINAL CONTEMPT.] When the contempt is a
 2 criminal contempt the punishment therefor may be a fine not exceeding one thou-
 3 sand dollars (\$1,000), or imprisonment in the county jail, house of correction
 4 or workhouse, not exceeding one year, or both, in the discretion of the court.
 5 When the contempt is committed by a corporation the fine in this section pro-
 6 vided for shall be imposed upon the corporation, and the imprisonment may be
 7 imposed upon such officer or officers, agent or agents, of the corporation as the
 8 court may find to be responsible for the commission of the contempt.

Sec. 961. ACTION OF CONTEMPT—JURISDICTION.] Punishment of a party
 2 guilty of contempt of court may be obtained by an action brought in the court
 3 with respect to which the misbehavior, disobedience or resistance constituting
 4 the contempt has been committed, and every court of record shall have juris-
 5 diction of the action of contempt.

Sec. 962. IN WHOSE NAME ACTION COMMENCED.] When the contempt sought
 2 to be punished is a civil contempt the action shall be commenced in the name of the
 3 person in whose favor or for whose benefit the order disobeyed has been entered,
 4 or by some person interested as successor in right or title or otherwise in the
 5 enforcement of the order. When the contempt sought to be punished is a
 6 criminal contempt the action shall be commenced in the name of the People of
 7 the State of Illinois.

Sec. 963. HOW ACTION OF CIVIL CONTEMPT COMMENCED—FORMS.] An action of
 2 contempt, when the contempt is civil, shall be commenced by the filing and enter-
 3 ing by the plaintiff in the proper court of a motion by the plaintiff for a rule

4 upon the defendant to show cause why the defendant shall not be punished for
 5 a contempt of court, accompanied by an affidavit of the plaintiff, his agent or
 6 attorney, setting forth the facts relied upon by the plaintiff in support of the
 7 motion with proof of the service upon the defendant, or upon the defendant's
 8 attorney, of notice of the motion and of a copy of the affidavit. The following
 9 forms of motions and affidavits and proofs of service accompanying the same
 10 in cases of civil contempt shall be deemed sufficient and shall be taken as fur-
 11 nishing suggestions from which other similar papers may be properly framed:

12 1. MOTION AND AFFIDAVIT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE
 13 SHOULD NOT BE PUNISHED FOR A CIVIL CONTEMPT IN REFUSING TO PAY MONEY.

14 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

15 Mary Doe }
 v. } Contempt. No. 16.
 16 John Doe. }

17 MOTION FOR RULE TO SHOW CAUSE.

18 The plaintiff, Mary Doe, moves the court for a rule upon the defendant to
 19 show cause why he should not be punished for a civil contempt of court.

20 MARY DOE,

21 By HENRY JONES,

22 *Her Attorney.*

23 Mary Doe on her oath says that she is the plaintiff herein and that the de-
 24 fendant, John Doe, has wilfully refused to pay to the plaintiff the sum of one
 25 hundred dollars (\$100), which sum the said defendant was required to pay to
 26 the plaintiff on the 20th day of February, 1908, by the decree of this court en-
 27 tered in the case of Mary Doe v. John Doe, In Equity, No. 87, on the 10th day
 28 of February, 1908.

29 MARY DOE.

30 Subscribed and sworn to before me this 25th day of February, 1908.

31 JOHN SMITH, *Clerk.*

2. NOTICE OF MOTION FOR RULE TO SHOW CAUSE IN CASE OF CIVIL CONTEMPT AND
PROOF OF SERVICE OF COPY OF MOTION AND AFFIDAVIT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

Mary Doe }
v. } Contempt. No. 16.
John Doe. }

To the defendant in the above entitled action:

You are hereby notified that at ten o'clock a. m., on Thursday, the first day of March, 1908, I shall move the court, before Hon. John Jones, Judge, for a rule upon you to show cause why you should not be punished for a civil contempt of court of which motion and the affidavit in support thereof copies are hereunto attached.

MARY DOE,

By HENRY JONES,

Her Attorney.

AFFIDAVIT OF SERVICE.

William Brown on his oath says that he is a resident of Chicago, Illinois, and is above the age of eighteen years; that he is employed as a clerk in the office of Henry Jones, the attorney for the plaintiff in the above entitled action; and that on the 26th day of February, 1908, he delivered to the above named John Doe, at Chicago, Illinois, the notice of which the above is a copy and also copies of the motion and affidavit mentioned in said notice.

WILLIAM BROWN.

Subscribed and sworn to before me this 27th day of February, 1908.

JOHN SMITH, *Clerk.*

3. MOTION AND AFFIDAVIT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE
SHOULD NOT BE PUNISHED FOR A CIVIL CONTEMPT IN VIOLATING AN INJUNCTION ORDER.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe }
v. } Contempt. No. 25.
Richard Roe. }

MOTION FOR RULE TO SHOW CAUSE.

The plaintiff, John Doe, moves the court for a rule upon the defendant, Rich-

ard Roe, to show cause why he should not be punished for a contempt of court.

JOHN DOE,

By HENRY JONES,

His Attorney.

AFFIDAVIT.

John Doe on his oath says that he is the plaintiff herein and that the defendant, Richard Roe, did on the 20th day of February, 1908, sell and transfer to one William Roe, at Chicago, Illinois, a promissory note dated January 2, 1907, for the sum of five hundred dollars (\$500) made by the plaintiff and payable to the order of the defendant at Chicago, Illinois, six months after date with interest at six per cent per annum for value received, in violation of the injunction order entered by this court in the case of John Doe v. Richard Roe, In Equity, No. 85, on the 10th day of February, 1908.

JOHN DOE.

Subscribed and sworn to before me this 23rd day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 964. PROCEDURE WHEN DEFENDANT FAILS TO APPEAR—FORMS.] If the

defendant fails to appear at the time specified in the notice the court may, if in its opinion, the facts set forth in the affidavit filed by the plaintiff justify it, order the issuance of an attachment to bring the defendant before the court. Such attachment may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

7	Mary Doe	} Contempt. No. 16.
	v.	
8	John Doe.	

ATTACHMENT FOR CONTEMPT.

The People of the State of Illinois—GREETING to the sheriff of Cook County:

We command you that you take the body of John Doe, if he be found in your county, and bring him instanter before the circuit court of Cook county,

15 Witness John Smith, clerk of said circuit court, at Chicago aforesaid,
16 this first day of March, 1908.

17 JOHN SMITH, *Clerk.*

Sec. 965. PROCEDURE WHEN DEFENDANT APPEARS AND ADMITS, ETC.—FOUND
2 GUILTY—FORM OF JUDGMENT.] If the defendant appears at the time specified
3 in the notice and admits the truth of the facts set forth in the affidavit or does
4 not deny the same by counter-affidavit, and the court is of the opinion that the
5 the facts set forth in the affidavit justify it, the court may enter a judgment
6 adjudging the defendant guilty of a contempt of court and imposing upon him
7 the punishment hereinbefore provided, which judgment may be in substantially
8 the following form:

9 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

10	Mary Doe	} Contempt. No. 16. March 3, 1908.
	v.	
11	John Doe.	} Before Hon. John Jones, Judge.

12 This day the court, the defendant being present and admitting the truth
13 of the facts set forth in the affidavit herein, finds the defendant guilty of a
14 civil contempt of court herein, and thereupon, in accordance with such finding,
15 the court doth sentence the defendant to pay to the plaintiff a fine of fifty dol-
16 lars (\$50) and the plaintiff's costs of the action and also to be imprisoned in the
17 county jail of Cook county for the period of ten days from and after his deliv-
18 ery to the keeper thereof, and doth order that the defendant further stand com-
19 mitted to the county jail of Cook county until said fine and costs are paid and
20 until he further pays to the plaintiff the sum of one hundred dollars (\$100)
21 which the defendant was required to pay to the plaintiff on the 20th day of
22 February, 1908, by the decree of this court entered in the action of Mary Doe
23 v. John Doe, In Equity, No. 87, on the 10th day of February, 1908, or until the
24 defendant is discharged according to law.

Sec. 966. PROCEDURE WHEN DEFENDANT APPEARS AND DENIES, ETC.—FORM OF

JUDGMENT.] If the defendant appears at the time specified in the notice and denies the truth of the facts set forth in the affidavit by counter-affidavit, and the court is of the opinion that the facts set forth in the affidavit of the plaintiff constitute a contempt, the court shall proceed to hear the evidence produced by the respective parties, and, at the request of either party, shall require such evidence to be given by the testimony of witnesses in open court, and, if the court finds the defendant guilty of the contempt charged, the court shall enter an order adjudging the defendant guilty of such contempt and imposing upon him the punishment hereinafter provided, which order may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13	Mary Doe	} Contempt. No. 16.
	v.	
14	John Doe.	
		March 3, 1910.
		Before Hon. John Jones, Judge.

This day the court, the defendant being present and denying the truth of the facts set forth in the affidavit herein, hears the evidence and finds the defendant guilty of a civil contempt of court herein and thereupon in accordance with such finding the court doth sentence the defendant to pay to the plaintiff a fine of twenty-five dollars (\$25) and the plaintiff's costs of the action, and also to be imprisoned in the county jail of Cook county for the period of ten days from and after his delivery to the keeper thereof and doth order that the defendant further stand committed to the county jail of Cook county until the said fine and costs are paid and also until he further pays to the plaintiff the sum of one hundred dollars, (\$100) which the defendant was required to pay to the plaintiff on the 20th day of February, 1908, by the decree of this court entered in the action of Mary Doe v. John Doe, In Equity, No. 87, on the 10th day of February, 1908, or until the defendant is discharged according to law.

Sec. 967. PROCEDURE WHEN DEFENDANT NOT GUILTY—FORM OF ORDER.] If the defendant appears at the time specified in the notice and the court is of the opinion that the facts set forth in the affidavit do not constitute a contempt of court, or if the defendant denies the facts set forth in such affidavit by counter-affidavit and, upon the trial, the court finds the defendant not guilty of the contempt charged, the court shall enter an order adjudging the defendant not guilty of such contempt and rendering judgment against the plaintiff for costs, and, if the court finds the prosecution of the charge of contempt was vexatious, the court may also render judgment against the plaintiff for such damages, not exceeding fifty dollars (\$50), as the court may deem proper. Such order may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13	John Doe	} Contempt. No. 75. February 10, 1908. Before Hon. John Jones, Judge.
	v.	
14	Richard Roe.	

This day, the defendant denying the truth of the facts set forth in the affidavit herein, the court hears the evidence and finds the defendant not guilty of a civil contempt of court and the court further finds that the prosecution of the charge of contempt herein was vexatious and thereupon upon consideration thereof the court doth order that the plaintiff pay to the defendant as damages the sum of twenty-five dollars (\$25) together with the defendant's costs of the action.

Sec. 968. IN WHOSE NAME CRIMINAL CONTEMPT PROSECUTED.] A criminal contempt shall be prosecuted by an action commenced in the name of the People of the State of Illinois and against the defendant.

Sec. 969. PROCEDURE WHEN CONTEMPT IS IN PRESENCE OF COURT—FORM OF JUDGMENT.] When the criminal contempt consists of misbehavior of any person in the actual presence of the court, the same may be punished summarily

4 without the filing of any affidavit or other paper or the hearing of witnesses. It
 5 shall be unnecessary in any such case for the judgment to recite the facts con-
 6 stituting the contempt but the court shall, immediately upon the entry
 7 of the order, when requested so to do by the defendant, sign and place
 8 on file, as a part of the record of the action, a report of the proceedings in
 9 which shall be correctly set forth the evidentiary facts establishing such con-
 10 tempt. A judgment for contempt in such case may be in substantially the fol-
 11 lowing form:

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

13	The People of the State of Illinois	} Criminal. No. 75. February 10, 1908. Before Hon. John Jones, Judge.
	v.	
14	Richard Roe.	

15 This day the court, the defendant being present, finds the defendant guilty
 16 of a criminal contempt of court by misbehavior in the presence of the court, and
 17 in accordance with such finding, doth sentence the defendant to pay a fine of
 18 twenty-five dollars (\$25) and the costs of the action and doth order that the de-
 19 fendant stand committed to the county jail of Cook county until the fine and
 20 costs are paid or until the defendant is otherwise discharged according to law.

Sec. 970. PROCEDURE WHEN CONTEMPT IS NOT IN PRESENCE OF COURT.] When
 2 a criminal contempt is committed other than by misbehavior of the defendant
 3 in the presence of the court the action shall be instituted by the filing and enter-
 4 ing, by the state's attorney, or by some other person, in the name of the People
 5 of the State of Illinois, as plaintiff, in the proper court, of a motion by the
 6 plaintiff for a rule upon the defendant to show cause why the defendant should
 7 not be punished for a contempt of court, accompanied by a complaint ver-
 8 ified by an affidavit of some credible person setting forth the facts relied upon
 9 by the plaintiff in support of the motion with proof of the service upon the de-
 10 fendant of notice of the motion and a copy of the complaint, or the court may,
 11 in the first instance, in its discretion, issue a writ of attachment to bring the

12 defendant before the court. Upon the appearance of the defendant the same
 13 proceedings shall be had substantially as hereinbefore provided for in a case of
 14 civil contempt.

Sec. 971. FORMS.] The following forms of motion and complaint and
 2 judgment in a case of criminal contempt shall be deemed sufficient and shall be
 3 taken as furnishing suggestions from which other similar papers, orders and
 4 judgments may be properly framed:

5 1. MOTION AND COMPLAINT FOR RULE ON DEFENDANT TO SHOW CAUSE WHY HE
 6 SHOULD NOT BE PUNISHED FOR A CRIMINAL CONTEMPT.

7 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

8	The People of the	} Criminal. No. 100.
9	State of Illinois	
10	v. Richard Roe.	

11 MOTION FOR RULE TO SHOW CAUSE.

12 The plaintiff moves the court for a rule upon the defendant to show cause
 13 why he should not be punished for a criminal contempt of court.

14 WILLIAM SMITH,
 15 *State's Attorney of Cook*
 16 *County, Illinois.*

17 COMPLAINT.

18 William Smith, state's attorney of Cook county, in the name and by the
 19 authority of the People of the State of Illinois, complains that Richard Roe,
 20 the defendant above named, did on the 8th day of February, 1908, in said Cook
 21 county, unlawfully assault and beat James Brown, the sheriff of said county,
 22 while he, the said sheriff, was in the act of delivering to said William Smith a
 23 summons issued out of said circuit court in the case of John Doe v. Richard
 24 Roe, Tort, No. 87, against the peace and dignity of the People of the State of
 25 Illinois.

27 James Brown on his oath says he is the sheriff of Cook county and that the
 28 matters and things set forth in the forgoing complaint are true.

29 JAMES BROWN.

30 Subscribed and sworn to before me this 10th day of February, 1908.

31 JOHN SMITH, *Clerk.*

32 2. JUDGMENT AGAINST DEFENDANT IN ACTION FOR CRIMINAL CONTEMPT NOT
 33 COMMITTED IN PRESENCE OF COURT.

34 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

35 The People of the State of Illinois	} Criminal. No. 100.
36 v.	
Richard Roe.	
	February 12, 1908.
	Before Hon. John Jones, Judge.

37 This day, the defendant being present, the court hears the evidence and finds
 38 the defendant guilty of a criminal contempt of court herein and thereupon, in ac
 39 cordance with such finding, the court doth sentence the defendant to pay a fine
 40 of fifty dollars (\$50) and the costs of the action and also to be imprisoned in
 41 the county jail of Cook county for the period of sixty days from and after his
 42 delivery to the keeper thereof, and doth order that the defendant further stand
 43 committed to the county jail of Cook county until the said fine and costs are
 44 paid or until the defendant is discharged according to law.

DIVISION XLIX.

JUDGMENTS, DECREES AND EXECUTIONS.

SECTION

- 972. Meaning of judgment.
- 973. Lien of judgments—registered land.
- 974. When execution not issued within a year, etc.
- 975. Time of restraint deducted.
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SECTION

- 977. Definition of real estate.
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- 979. When execution may issue against body.
- 980. Judgments in attachment and execution thereon.

SECTION

- 981. Property attached may be levied on when.
- 982. Pro rating of judgments in cases of attachment.
- 983. What court to make distribution.
- 984. No execution after seven years—*venditio exponas*.
- 985. Interest.
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- 987. When execution to bind goods and chattels.
- 988. What property subject to execution.
- 989. Plaintiff may elect property, etc.
- 990. Procedure when property susceptible of division.
- 991. Pro rata distribution when liens concurrent.
- 992. Public sale of real estate—notice.
- 993. Penalty for illegal sale by officer.
- 994. Officer to issue certificate of purchase when.
- 995. Duplicate of certificate to be filed.
- 996. Redemption by defendant, etc.
- 997. Certificate of redemption.
- 998. Redemption by creditors.
- 999. Procedure at sale after redemption when no bid in excess of redemption money.
- 1000. Procedure at sale when bid exceeds redemption money.
- 1001. Successive redemptions—how made.
- 1002. Order of preference in redemptions.
- 1003. Redemption in distinct parcels.
- 1004. Redemption of interest of joint owner.
- 1005. Redemption on probated claim.
- 1006. Payment of taxes, etc., by holder of certificate, etc.
- 1007. No commission on redemption money.
- 1008. Certificate of purchase assignable.
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- 1037. Imprisonment of debtor—limitation.
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Sec. 972. MEANING OF JUDGMENT.] The term judgment, as used in this
 2 act, shall be held to mean any order or judgment at law, or order or decree in
 3 equity, unless the contrary appears from the context.

Sec. 973. LIEN OF JUDGMENTS—REGISTERED LAND.] A judgment for money
 2 of a county court, or circuit court, or of the criminal court of Cook county, or
 3 of the superior court of Cook county, when the amount due thereon exclusive of
 4 interest and costs exceeds one thousand dollars (\$1,000), shall be a lien on the real
 5 estate of the person against whom it is obtained situated within the county
 6 for which the court is held from the time the same is rendered or revived for the
 7 period of seven years and no longer; and a judgment for money of a city court,
 8 when the amount due thereon exclusive of interest and costs exceeds one thousand
 9 dollars (\$1,000), shall be a lien on the real estate of the person against whom it is
 10 obtained situated within the city in which the court is organized from the time
 11 the same is rendered or revived for the like period and no longer: *Provided*,
 12 *however*, that there shall be no priority of the lien of one judgment over that
 13 of another rendered in the same county within the same calendar month; and,
 14 upon the filing in the office of the clerk of the circuit court of any county in this
 15 state of a transcript of a judgment rendered by a court of record in any other
 16 county of this state, such judgment shall have the like force and effect and shall be
 17 a lien upon the real estate of the party against whom the same is obtained in said
 18 county where filed to the same extent, as if the same had been rendered, upon
 19 the day on which such transcript is filed, by a county court or circuit court in
 20 the county where filed and execution may issue thereon out of the circuit court of
 21 said county in like manner as in the county where originally obtained: *Provid-*
 22 *ed, however*, that such judgment shall not be a lien on real estate for more than
 23 the period of seven years from the time the same is rendered or revived. Upon
 24 the filing in the office of the clerk of the circuit court of any county of a
 25 transcript of a judgment rendered in any city court of such county, such judg-

26 ment shall have the like force and effect, and shall be a lien upon the real estate
 27 of the party against whom the same is obtained situated within such county
 28 to a like extent, as if the same had been rendered in the county court or the
 29 circuit court of such county on the day on which such transcript is so filed:
 30 *Provided, however,* that the same shall not be a lien on real estate for a longer
 31 period than seven years from the time the same is rendered or revived. But
 32 no lien provided for in this or any other section of this act shall take effect as
 33 to registered land until compliance by the person claiming the benefit of such
 34 lien, or by some person of or under whom he has acquired the claim constituting
 35 the lien, with the provisions of the laws which may be in force, from time to time,
 36 relating to the registration of land titles, nor shall registered land be affected
 37 by any other provisions of this act, excepting upon compliance with the said last
 38 mentioned laws.

Sec. 974. WHEN EXECUTION NOT ISSUED WITHIN A YEAR, ETC.] When execu-
 2 tion is not issued on a judgment within one year after the time the same be-
 3 comes a lien, it shall thereafter cease to be a lien, but execution may issue upon
 4 such judgment, or upon any judgment which is not a lien, and may be levied
 5 upon real estate, at any time within seven years after the rendition thereof, and
 6 shall become a lien from the time of the filing of a certificate of such levy in the
 7 office of the recorder of the county in which such real estate is situated.

Sec. 975. TIME OF RESTRAINT DEDUCTED.] When the party in whose favor
 2 a judgment is rendered is restrained by injunction, or by appeal, or by the order
 3 of a court, or is delayed on account of the death of the defendant, either from
 4 issuing execution or selling thereon, the time he is so restrained or delayed shall
 5 not be considered as any part of the time during which such judgment is made a
 6 lien by this act or of the time within which execution may issue on such judg-
 7 ment as hereinbefore provided.

Sec. 976. WHEN AND HOW JUDGMENT, ETC., MAY BE VACATED.] Every order,
 2 judgment or decree of a court of record final in its nature shall be subject to
 3 be vacated, set aside or modified by the court by which the same has been ren-
 4 dered or entered, upon the motion of either party, provided the motion to
 5 vacate, set aside or modify the same be entered in the court in which such order,
 6 judgment or decree has been rendered or entered within sixty days after the
 7 rendition or entry of such order, judgment or decree. If no motion to vacate,
 8 set aside or modify any such order, judgment or decree shall be entered within
 9 sixty days after the rendition or entry of such order, judgment or decree, the
 10 same shall not be vacated, set aside or modified excepting upon appeal, or writ
 11 of error, or by a bill in equity, or by a petition to the court having entered such
 12 order, judgment or decree setting forth grounds for vacating, setting aside or
 13 modifying the same which would be sufficient to cause the same to be vacated,
 14 set aside or modified by a bill in equity: *Provided, however,* that all errors in
 15 fact in the proceedings in which such order, judgment or decree has been en-
 16 tered or rendered, which might have been corrected at common law by the writ
 17 of error coram nobis may be corrected by motion or the order, judgment or
 18 decree may be set aside in the manner heretofore provided by law for similar
 19 cases.

Sec. 977. DEFINITION OF REAL ESTATE.] The term "real estate" when used
 2 in this act shall include lands, tenements, hereditaments and all legal and equit-
 3 able rights and interests therein and thereto, including estates for the life of
 4 the debtor or of another person and estates for years and leasehold estates when
 5 the unexpired term exceeds five years.

Sec. 978. EXECUTION.] The person in whose favor any judgment may be
 2 obtained may have execution thereon in the usual form directed to the proper
 3 officer of any county in this state against the lands and tenements, goods and

4 chattels of the person against whom the same is obtained or against his body
5 when the same is authorized by law.

Sec. 979. WHEN EXECUTION MAY ISSUE AGAINST BODY.] No execution shall
2 issue against the body of the defendant except when the judgment shall have
3 been obtained for a tort committed by such defendant or unless the defendant
4 shall have been held to bail upon a writ of *capias ad respondendum*, as provided
5 by law, or he shall refuse to deliver up his estate for the benefit of his creditors.
6 A tort within the meaning of this section shall be a libel, a slander, a malicious
7 prosecution, a false imprisonment, an assault and battery, the commission of a
8 fraud, seduction, a criminal conversation or any other injury wilfully inflicted.

Sec. 980. JUDGMENTS IN ATTACHMENT AND EXECUTIONS THEREON.] When the
2 defendant in any action of attachment has been served with the writ of attach-
3 ment or appears to the action, the judgment shall have the same force and ef-
4 fect as in actions commenced by summons, and execution may issue thereon not
5 only against the property attached but against the other property of the defend-
6 ant, but when the defendant has not been served with the writ of attachment
7 and has not appeared and answered the action the judgment shall bind only the
8 property, credits and effects attached and a special execution shall issue
9 against such property, credits and effects attached and no execution shall be is-
10 sued against any other property of the defendant, nor shall such judgment be
11 any evidence of debt against the defendant in any subsequent action.

Sec. 981. PROPERTY ATTACHED MAY BE LEVIED ON WHEN.] In case of attach-
2 ment the property attached may be levied upon by execution issued in the at-
3 tachment action, or in the action in aid of which an attachment writ has been
4 issued, whether in the hands of the officer or secured by bond as provided in this
5 act, and shall be sold as other property levied upon by execution.

Sec. 982. PRO-RATING OF JUDGMENTS IN CASES OF ATTACHMENT.] All judgments in actions of attachment against the same defendant commenced in the same calendar month in which is the day fixed for the appearance of the defendant in the praecipe in the first attachment action commenced, and all judgments in actions by summons, capias or attachment against such defendant recovered in such calendar month, or in the calendar month when the judgment in the first attachment action upon which judgment shall be recovered is rendered, whether such judgments be rendered in the same or in different courts in the same county, shall share pro rata according to the amount of the several judgments in the proceeds of the property attached either in the hands of a garnishee or otherwise: *Provided*, that when the property is attached while the defendant is removing the same, or after the same has been removed from the county, and the same is overtaken and returned, or while the same is secreted by the defendant, or put out of his hands, for the purpose of defrauding his creditors, or the property attached has been discovered by the diligence of the first attaching creditor, the court may allow the creditor or creditors through whose diligence the same shall have been secured a priority over other attachments of judgment creditors.

Sec. 983. WHAT COURT TO MAKE DISTRIBUTION.] The distribution of the proceeds of the property levied upon as provided for in the preceding section shall be made by the court out of which has issued the writ of attachment under which the property was first seized and shall be made upon the application of the sheriff after notice given by him to the plaintiffs in all actions who may appear from the records of the courts of his county to be entitled to participate in the distribution of the fund.

Sec. 984. NO EXECUTION AFTER SEVEN YEARS—VENDITIO EXPONAS.] No execution shall issue upon any judgment after the expiration of seven years from the

time the same becomes a lien, except upon the revival of the same by scire facias; but real estate levied upon within said seven years may be sold upon a venditio rei exonas at any time within one year after the expiration of said seven years.

Sec. 985. INTEREST.] The officer to whom any execution issued upon a judgment shall be delivered shall collect interest thereon, from the date of the recovery of the judgment until the same be paid, at the rate of five (5) per cent per annum: *Provided, however, that* no interest shall be collected upon the costs awarded by such judgment.

Sec. 986. WHEN EXECUTIONS, ETC., RETURNABLE.] Executions and writs of venditio rei exonas shall be returnable ninety (90) days after the date thereof: *Provided, however, that* the officer to whom the same is delivered shall, upon the order of the plaintiff, return the same prior to the expiration of said ninety days, whenever payment of such execution has been demanded by such officer from the defendant and such defendant has neglected or refused to make such payment or to deliver over or to turn out to such officer property out of which the same may be satisfied, in whole or in part, or when such officer shall have endeavored to make such demand but shall have been unable to do so because of his inability to find the defendant or of the refusal of the defendant to permit such demand to be made; and such return shall not prejudice the right of the plaintiff to exhibit a creditor's bill or prosecute supplementary proceedings as hereinafter provided. Such officer shall also, upon demand of the plaintiff, return such execution prior to the expiration of said ninety days without such demand or endeavor to make demand, but in such case such return shall be a defense to the exhibition by the plaintiff of a creditor's bill, or the prosecution of the supplementary proceedings hereinafter allowed after the return of execution in whole or in part unsatisfied, if the defendant in such creditor's bill or supplementary proceedings shall allege in his answer or other paper

20 and, upon the hearing shall prove, that the retention of such execution by said
21 sheriff would have enabled the sheriff to make collection of such judgment.

Sec. 987. WHEN EXECUTION TO BIND GOODS AND CHATTELS.] No execution
2 shall bind the goods and chattels of the person against whom it is issued until
3 it is delivered to the sheriff or other proper officer to be executed; and for the
4 better manifestation of the time the sheriff or other officer shall, on receipt of
5 such writ, indorse thereon the day of the month and the year and hour when he
6 received the same.

Sec. 988. WHAT PROPERTY SUBJECT TO EXECUTION.] All and singular the
2 lands, tenements, real estate, goods and chattels (except such as are by law de-
4 clared to be exempt) of every person against whom any judgment has been or
4 shall be hereafter obtained in any court of record for any debt, damages, costs
5 or other sum of money shall be liable to be sold upon execution to be issued
6 upon such judgment.

Sec. 989. PLAINTIFF MAY ELECT PROPERTY, ETC.] The person in whose favor
2 execution is issued may elect on what property not exempt from execution he
3 will have the same levied, provided personal property shall be last taken.

Sec. 990. PROCEDURE WHEN PROPERTY SUSCEPTIBLE OF DIVISION.] When any
2 real or personal property is taken in execution, if the same is susceptible of
3 division, it shall be sold in separate tracts, lots or articles and only so much
4 shall be sold as is necessary to satisfy the execution.

Sec. 991. PRO RATA DISTRIBUTION WHEN LIENS CONCURRENT.] When the lien
2 of several judgments is concurrent and execution issued upon any one of such
3 judgments is levied upon property subject to such lien, the property so levied
4 upon shall be sold for the benefit of all executions issued upon such judgments
5 and delivered to the same officer or any of his deputies before the sale; and the

6 proceeds of such sale shall be divided upon the several executions pro rata,
7 according to their several amounts.

Sec. 992. PUBLIC SALE OF REAL ESTATE—NOTICE.] No real estate shall be
2 sold by virtue of any execution aforesaid, nor by virtue of any decree in an action
3 in equity, except at public vendue, between the hours of nine in the morning
4 and five in the afternoon of the same day, nor unless the time (specifying the
5 particular hour of said day at which said sale shall commence) and the place
6 of holding such sale shall have been previously advertised three successive
7 weeks, once in each week, in a public newspaper printed and published in the
8 county where said sale shall be made (if there be any newspaper printed and
9 published in said county), and by putting up written or printed notices thereof
10 in at least three of the most public places in the county where the real estate is
11 situated, specifying the name of the plaintiff and defendant in the execution
12 —in all of which said notices the real estate to be sold shall be described with
13 reasonable certainty, and if there shall be more than one newspaper published
14 in such county, the judgment creditor or his attorney may designate the news-
15 paper in which such notice shall be published: *Provided*, that no greater charge
16 shall be made for publishing said notices than two dollars (\$2) for each one hun-
17 dred words contained therein.

Sec. 993. PENALTY FOR ILLEGAL SALE BY OFFICER.] If any sheriff or other
2 officer shall sell any real estate by virtue of any such execution, otherwise than
3 in the manner aforesaid, or without such previous notice, the officer so offend-
4 ing shall, for every offense, forfeit and pay the sum of fifty dollars (\$50), to be
5 recovered with the costs of the action, by the person whose property is sold:
6 *Provided, however*, that no such offense, nor shall any irregularity on the part
7 of the sheriff, or other officer having the execution, be deemed to affect the val-
8 idity of any sale made under it, unless it shall be made to appear that the pur-
9 chaser had notice thereof.

Sec. 994. OFFICER TO ISSUE CERTIFICATE OF PURCHASE WHEN.] When any
 2 real estate is sold by virtue of an execution, judgment or decree of foreclosure
 3 of mortgage, or enforcement of mechanic's lien, or vendor's lien, or for the pay-
 4 ment of money, it shall be the duty of the sheriff, master in chancery, or other
 5 officer, instead of executing a deed for the premises sold, to give to the purchas-
 6 er a certificate describing the premises purchased by him, showing the amount
 7 paid therefor, or if purchased by the person in whose favor the execution or de-
 8 cree is, the amount of his bid, the time when the purchaser will be entitled to a
 9 deed, unless the premises shall be redeemed, as provided in this act.

Sec. 995. DUPLICATE OF CERTIFICATE TO BE FILED.] The sheriff, master in
 2 chancery, or other officer making the sale, shall, within ten days from such sale,
 3 file in the office of the recorder of the county in which the property is situated,
 4 a duplicate of such certificate, which shall be recorded by such recorder, and
 5 such certificate or duplicate, or record, and certified copy of the record thereof,
 6 shall be evidence of the facts therein stated.

Sec. 996. REDEMPTION BY DEFENDANT, ETC.] Any defendant, his heirs, ad-
 2 ministrators, assigns, or any person interested in the premises, through or under
 3 the defendant, may, within twelve months from said sale, redeem the real estate
 4 so sold by paying to the purchaser thereof, his executors, administrators or as-
 5 signs, or to the sheriff or master in chancery, or other officer who sold the same,
 6 or his successor in office, for the benefit of such purchaser, his executors, admin-
 7 istrators or assigns, the sum of money for which the premises were sold or bid
 8 off, with interest thereon at the rate of six per centum per annum from the time
 9 of such sale, whereupon such sale and certificate shall be null and void.

Sec. 997. CERTIFICATE OF REDEMPTION.] In all cases of redemption of land
 2 from sale had under any execution, judgment, order or decree, it shall be the duty
 3 of the purchaser, sheriff, master in chancery, or other officer or person from

4 whom said redemption takes place, to make out an instrument in writing, under
 5 his hand and seal, evidencing said redemption, which shall be recorded in the re-
 6 corder's office of the proper county, in like manner as other writings affecting
 7 the title to real estate are filed and recorded, which recording shall be paid for
 8 by the party redeeming.

Sec. 998. REDEMPTION BY CREDITORS.] If such redemption is not made, any
 2 decree or judgment creditor, his executors, administrators or assigns may, after
 3 the sale, redeem the premises in the following manner: Such creditor, his ex-
 4 ecutors, administrators or assigns may sue out an execution upon his judgment
 5 or decree, and place the same in the hands of the sheriff or other proper officer
 6 to execute the same, who shall indorse upon the same a levy of the premises de-
 7 sired to be redeemed; and the person desiring to make such redemption shall pay
 8 to such officer the amount for which the premises to be redeemed were sold,
 9 with interest thereon at the rate of six per centum per annum from the date of
 10 the sale, for the use of the purchaser of such premises, his executors, adminis-
 11 trators or assigns, whereupon such officer shall make and file in the office of the
 12 recorder of the county in which the premises are situated a certificate of such re-
 13 demption, and shall advertise and offer the premises for sale under said execution
 14 as in other cases of sale on execution.

Sec. 999. PROCEDURE AT SALE AFTER REDEMPTION WHEN NO BID IN EXCESS OF
 2 REDEMPTION MONEY.] The creditor, his executors, administrators or assigns, hav-
 3 ing so redeemed, shall be considered as having bid at such sale the amount of
 4 the redemption money so paid by him, with interest thereon at the rate of six per
 5 centum per annum from the date of such redemption to the day of sale, with the
 6 cost of such redemption and sale; and if no greater amount is bid at such sale
 7 the premises shall be struck off to the person making such redemption and the
 8 officer shall forthwith execute a deed of the premises to him, and no other re-
 9 demption shall be allowed.

Sec. 1000. PROCEDURE AT SALE WHEN BID EXCEEDS REDEMPTION MONEY.] If

2 a greater amount shall be bid and the premises are sold for more than the amount
3 of such redemption money, interest and costs, the excess shall be applied on the
4 execution under which the redemption was made; and a certificate of the pur-
5 chase shall be made to the new purchaser in like form and manner as upon the
6 first sale, for a deed of the premises so sold, in sixty days from the date of such
7 sale, unless the same are redeemed before the expiration of that time, by some
8 other decree or judgment creditor, his executor, administrator or assigns.

Sec. 1001. SUCCESSIVE REDEMPTIONS—HOW MADE.] Successive redemptions

2 may be made of the premises at any time within sixty days of the last sale at
2 which they were sold for more than the amount of the redemption money, interest
4 and costs, and the premises again sold in the same manner and upon the same
5 terms and conditions, and a certificate shall be made in like form and manner as
6 upon the sale on the first redemption, and the person redeeming shall be con-
7 sidered to have bid the amount of his redemption money, interest and costs; and
8 if at any such sale the premises are not sold for a greater sum, the sheriff or
9 other officer shall forthwith execute a deed to the purchaser, and no other re-
10 demption shall be allowed.

Sec. 1002. ORDER OF PREFERENCE IN REDEMPTIONS.] When there are several

2 decree or judgment creditors, the creditor having the senior judgment or decree
3 shall have the preference to redeem during the first two days next after the expira-
4 tion of the twelve months, and the other creditors shall respectively have prefer-
5 ence to redeem during a like time, in the order of seniority of their several
6 judgments or decrees; but where two or more judgments or decrees bear equal
7 date, the creditor first paying the redemption money shall have preference.

Sec. 1003. REDEMPTION IN DISTINCT PARCELS.] Any person entitled to redeem

2 may redeem the whole or any part of the premises sold, in like distinct parcels or
3 quantities in which the same were sold.

Sec. 1004. REDEMPTION OF INTEREST OF JOINT OWNER.] Any joint owner, his
 2 executors, administrators or assigns, or a decree or judgment creditor of such
 3 joint owner, may redeem the interest of such joint owner in the premises sold on
 4 execution or decree, in the manner and upon the conditions hereinbefore provid-
 5 ed, upon the payment of his proportion of the amount which would be necessary
 6 to redeem the whole.

Sec. 1005. REDEMPTION ON PROBATED CLAIM.] For the purpose of redemp-
 2 tion from the sale of real estate of a deceased debtor, any person whose claim
 3 shall have been probated and allowed against the estate of such deceased debtor,
 4 shall be considered a judgment creditor, and for the purpose of enabling such
 5 creditor to redeem from such sale, it shall be lawful for the clerk of the court
 6 wherein a certificate of administration was granted to issue a special execution
 7 to the sheriff of the proper county, commanding him, upon redemption being
 8 made, to levy and sell the premises, so sought to be redeemed, and like proceed-
 9 ings shall be had as upon other executions.

Sec. 1006. PAYMENT OF TAXES, ETC., BY HOLDER OF CERTIFICATE, ETC.] When-
 2 ever any real estate is sold under any judgment or decree of any court, the hold-
 3 er of the certificate of such sale shall have the right to pay all taxes and assess-
 4 ments which are or may become a lien on such real estate during the time of re-
 5 demption running on such sale, and whenever redemption is made from such sale
 6 the party or parties entitled to redeem shall pay to the holder of such certificate
 7 of sale, or to the sheriff, master in chancery or other officer who sold the same
 8 or his successor in office, in addition to the amount due on such certificate, the
 9 amount paid by the holder thereof for such taxes and assessments, together with
 10 interest thereon at the rate of six per centum per annum, if before such redemp-
 11 tion is made a receipt or receipts for such taxes or assessments shall be filed with
 12 the sheriff, master in chancery or other officer who made such sale, or exhibited

13 by the holder of such certificate in case redemption is made directly to the hold-
 14 er of such certificate.

Sec. 1007. NO COMMISSION ON REDEMPTION MONEY.] No commission upon the
 2 amount of the redemption money paid in any case shall be allowed to the officer
 3 receiving the same, but the usual commission shall be allowed to the officer sell-
 4 ing said premises, on the excess made over and above the amount of said re-
 5 demption money and interest.

Sec. 1008. CERTIFICATE OF PURCHASE ASSIGNABLE.] Every certificate which
 2 shall be given by any officer to any purchaser, under the provisions of this act,
 3 shall be assignable by indorsement thereon, under the hand of such purchaser
 4 or his heirs, executors, administrators or assigns, and every person to whom the
 5 same shall be so assigned shall be entitled to the same benefits therefrom in every
 6 respect, that the person therein named would have been if the same had not been
 7 assigned.

Sec. 1009. DEED TO HOLDER OF CERTIFICATE -- LIMITATION.] When the prem-
 2 ises mentioned in any such certificate shall not be redeemed in pursuance of law,
 3 the legal holder of such certificate shall be entitled to a deed therefor at any time
 4 within five years from the expiration of the time of redemption. The deed shall
 5 be executed by the sheriff, master in chancery or other officer who made such
 6 sale, or by his successor in office, or by some person specially appointed by the
 7 court for the purpose. If the time of redemption shall have elapsed before the
 8 taking effect of this act, a deed may be given within two years from the time this
 9 act shall take effect. When such deed is not taken within the time limited by
 10 this act the certificate of purchase shall be null and void; but if such deed is
 11 wrongfully withheld by the officer whose duty it is to execute the same, or if the
 12 execution of such deed is restrained by injunction or order of a court or judge,
 13 the time during which the deed is so withheld or the execution thereof restrained

14 shall not be taken as any part of the five years within which said holder shall
15 take a deed.

Sec. 1010. FORM OF DEED.] The deed may be in substantially the following
2 form:

3 **SHERIFF'S DEED.**

4 Whereas, John Doe did, on the 10th day of February, 1908, in the circuit
5 court of Cook county, Illinois, recover a judgment (or decree, as the case may
6 be), against Richard Roe for the sum of one thousand dollars (\$1,000) and costs
7 of the action, upon which an execution was issued out of said court dated the 11th
8 day of February, 1908, directed to the sheriff of Cook county to execute, by
9 virtue of which the said sheriff levied upon the premises hereinafter described,
10 and, the time and place of the sale thereof having been duly advertised accord-
11 ing to law, the same were struck off and sold to William Doe, he being the high-
12 est and best bidder therefor: (if the certificate has been transferred the fact
13 should be recited).

14 Now, therefore, KNOW ALL MEN BY THESE PRESENTS, That I, John Brown,
15 sheriff of said county of Cook, in consideration of the premises, do hereby con-
16 vey to the said William Doe, his heirs and assigns, the following described lot or
17 parcel of land, to wit: (here describe premises), to have and to hold the same
18 with all the appurtenances thereunto belonging to said William Doe, his heirs
19 and assigns, forever.

20 WITNESS my hand and seal this 15th day of July, 1910.

21 JOHN BROWN, [SEAL.]
22 *Sheriff of Cook County, Illinois.*

Sec. 1011. EFFECT OF DEED.] Such deed shall convey to the grantee therein
2 named all the title, estate and interest of the person against whom the execution
3 was issued of every nature and kind in and to the premises thereby conveyed,

4 but such deed shall not be construed to contain any covenant on the part of the
5 officer executing the same.

Sec. 1012. DEED PRIMA FACIE EVIDENCE OF WHAT.] Any deed which has been
2 heretofore, or which may hereafter be so executed, or a certified copy of the record
3 thereof, shall be prima facie evidence that the provisions of the law in relation
4 to the sale of the property for which it is or may be given were complied with;
5 and in case of the loss or destruction of the record of the judgment or decree, or
6 of the execution or levy thereon, such deed or certified copy of the record there-
7 of shall be prima facie evidence of the recovery and existence of the judgment or
8 decree and issuing and levy of the execution as therein recited.

Sec. 1013. CERTIFICATE OF LEVY ON EXECUTION FROM ANOTHER COUNTY.] When
2 a writ of execution is issued from a court of any county to a sheriff or other of-
3 ficer of another county, and levied upon any real estate in the latter county, the
4 officer making such levy shall make a certificate thereof and file the same in the
5 office of the recorder of his county. Until the filing of such certificate such
6 levy shall not take effect as against creditors and bonafide purchasers without
7 notice.

Sec. 1014. FORM OF CERTIFICATE.] The certificate may be in substantially the
2 following form:

3 CERTIFICATE OF LEVY.

4 I, John Brown, sheriff of Cook county, Illinois, do hereby certify that by
5 virtue of an execution to me directed from the circuit court of Will county, Illi-
6 nois, in favor of John Doe and against Richard Roe, dated the 10th day of Feb-
7 ruary, 1908, I did, on the 15th day of February, 1908, levy upon the following
8 described premises: (here describe premises).

9 JAMES BROWN,

10 . Sheriff of Cook county, Illinois.

Sec. 1015. CERTIFICATE TO BE RECORDED.] Such certificate shall be recorded
 2 by the recorder in a book to be kept for that purpose. The fees for recording
 3 such certificate shall be collected as other costs.

Sec. 1016. COLLECTION OF JUDGMENT NOT TO BE DELAYED BY DEATH.] The col-
 2 lection of a judgment or decree of a court of record shall not be delayed or hin-
 3 dered, or the lien created by law abate, by reason of the death of any person in
 4 whose favor such judgment or decree shall be; but the executor or administrator,
 5 or, if the decedent was an executor or administrator, the administrator de bonis
 6 non, or with the will annexed, may cause his certificate of administration to be
 7 recorded in such court, after which execution may issue and proceedings be had
 8 in the name of the executor or administrator as such, in the same manner as if
 9 the judgment or decree had been recovered in his name.

Sec. 1017. ADMINISTRATOR OR EXECUTOR MAY BID AT EXECUTION SALE.] When
 2 it is necessary, in order to secure the collection of a judgment or decree belonging
 3 to any estate, it shall be the duty of the executor or administrator to bid for
 4 and become the purchaser of real estate at the sale thereof by the sheriff, master
 5 in chancery, or other officer. The premises so purchased shall be assets in his
 6 hands, and may be again sold by him, with the approval of the county court or
 7 probate court, and the moneys arising from such sale shall be accounted for and
 8 paid as other moneys in his hands.

Sec. 1018. PROCEDURE UPON DEATH OF JUDGMENT DEBTOR.] When a person
 2 shall die after the rendition of a judgment or decree for the payment of money
 3 against him is obtained in a court of record, execution may issue against the real
 4 estate of such deceased person or sale may be made under such decree without
 5 reviving the judgment or decree against his heirs or legal representatives: *Pro-*
 6 *vided*, that no execution shall issue or sale be made until after the expiration of
 7 twelve months from the death of such deceased person, nor shall any sale be had

8 on any such execution or decree until the person in whose favor the judgment or
 9 decree is sought to be enforced shall give to the executor or administrator, or if
 10 there be neither, the heirs of the deceased, at least three months' notice of the ex-
 11 istence of such judgment or decree, before issuing execution or proceeding to
 12 sell, which notice shall be in writing when the parties required to be notified re-
 13 side or may be found within the state, and their places of residence are known,
 14 otherwise publication notice shall be given in the manner directed by this act
 15 for the publication of notices in actions in equity.

Sec. 1019. GOODS AND CHATTELS SUBJECT TO EXECUTION—LEVY ON LIVE STOCK.]

2 All goods and chattels, real and personal, may be taken and sold under execution,
 3 except as otherwise provided by law: *Provided*, that when any officer shall
 4 levy an execution on live stock or other personal property and the same shall not
 5 be immediately replevied or restored to the debtor, such officer shall provide suf-
 6 ficient sustenance for the support of such live stock and shall provide for the
 7 proper care and storage of such personal property until the same shall be replev-
 8 ied, sold or discharged from such execution; said officer shall receive a reason-
 9 able compensation therefor, to be ascertained and determined by the court out of
 10 which the writ issued, to be advanced to him, from time to time, by the plaintiff
 11 in the execution and the amount of such compensation shall be collected as a
 12 part of the costs in the action.

Sec. 1020. CURRENT GOLD AND SILVER COIN OR LEGAL TENDER — BANK BILLS.]

2 Current gold and silver coin or other legal tender may be taken on execution and
 3 may be paid over to the creditor as money collected. Bank bills and all other
 4 bills or evidences of debt issued by a moneyed corporation and circulated as
 5 money may be taken on execution and paid to the creditor at their par value as
 6 money collected, if he will receive them; otherwise they shall be sold like other
 7 chattels.

Sec. 1021. INDEMNITY TO OFFICER.] If there is reasonable doubt as to the ownership of the goods or as to their liability to be taken on execution the officer may require sufficient security to indemnify him for taking them.

Sec. 1022. DELIVERY BOND.] When any personal property is levied upon or about to be levied upon, if the defendant will give bond with sufficient security to be approved by the officer payable to the creditor in double the amount of the execution, conditioned to deliver the property levied upon uninjured at the time and place where the same is to be sold which shall be named in the condition, the sheriff may allow the property to remain with the defendant. If the property is not delivered according to the condition of the bond the officer having such execution may proceed to execute the same in the same manner as if no levy had been made. If the officer does not obtain satisfaction of the execution, he shall return the bond with such execution, and the creditor shall be allowed to recover thereon the amount of his judgment with interest and costs, or, if the value of the property so levied upon shall be shown by the defendant to be less than such judgment and costs, the value thereof with ten per cent. damages for delay. No second delivery bond shall be taken in behalf of a defendant so failing to comply with the first, nor shall a delivery bond be taken of his surety without the consent of the creditor.

Sec. 1023. NOTICE OF SALE OF GOODS AND CHATTELS—FRAUD OF OFFICER.] Before any goods and chattels shall be sold by virtue of any execution at least ten days' previous notice of such sale shall be given by posting up notices thereof in three of the most public places in the county where such sale is to be, specifying the time when and the place where the same are to be sold. The officer may postpone such sale, from time to time, not exceeding ten days at any one time, whenever, for the want of bidders or other good cause, he shall think it for the interest of the parties concerned. Notice of such postponement may be given at

9 the time and place fixed for the sale or by posting notices as hereinbefore pro-
 10 vided, but if the postponement exceed one day he shall post notices thereof. The
 11 officer making such sale shall, in his return of the execution, particularly de-
 12 scribe the goods sold and the sum for which each article is sold; and, if he is
 13 guilty of fraud in the sale or return, he shall be liable in any proper action at
 14 the suit of the party injured for five times the amount of actual damages sus-
 15 tained by reason of such fraud.

Sec. 1024. PROCEDURE WHEN GOODS ARE ATTACHED, ETC., IN ANOTHER ACTION.]

2 If the goods or chattels sold under execution have been attached by another cred-
 3 tor or seized under another execution, either by the same or any other officer,
 4 or if, before the payment of the residue after the satisfaction of such execution
 5 to the debtor, another writ of attachment or execution against him is delivered to
 6 the officer who made the sale, the proceeds of the sale shall be applied to the dis-
 7 charge of the several judgments in the order in which the respective writs of at-
 8 tachment or executions become a lien or are entitled by law to share, the residue,
 9 if any, to be returned to the debtor or his assignee.

Sec 1025. LEVY UPON AND SALE OF SHARES OF STOCK.] The shares of stock or
 2 interest of a stockholder in any corporation may be taken on execution and sold
 3 as hereinafter provided; but, in all cases where such shares of stock or interest
 4 has been sold or pledged in good faith for a valuable consideration and the cer-
 5 tificate thereof has been delivered upon such sale or pledge, such shares of stock
 6 or interest shall not be liable to be taken on execution against the vendor or
 7 pledgor, excepting for the excess of the value thereof over and above the sum for
 8 which the same may have been pledged and the certificate thereof delivered. If the
 9 property has not been attached in the same action, the officer shall leave an at-
 10 tested copy of the execution with the clerk, treasurer or cashier or other officer
 11 of the company having the custody of the books and papers of the corporation;

12 and the property shall be considered as seized on execution when the copy is so
13 left and shall be sold in like manner as goods and chattels. If the shares of stock
14 are already attached in the same action the officer shall proceed in seizing and
15 selling them on the execution in the same manner as in selling goods and chat-
16 tels. No assignment, transfer or pledge of any such shares of stock made by the
17 judgment debtor after an attested copy of the execution shall have been left with
18 the clerk, treasurer, cashier or other officer of the company as aforesaid shall
19 be of any validity as against such execution.

Sec. 1026. OFFICER OF COMPANY TO GIVE CERTIFICATE — PROCEDURE.] The of-
2 ficer of the company who keeps a record or account of the shares of stock or in-
3 terests of the stockholders therein shall, upon the exhibiting to him of the execu-
4 tion, be bound to give to the officer a certificate of the number of shares of stock
5 or amount of the interest held by the judgment debtor. If he refuse to do so, or
6 if he wilfully give a false certificate thereof, he shall be liable for double the
7 amount of all damages occasioned by such refusal or false certificate, to be re-
8 covered in any proper action, unless the judgment is satisfied by the original de-
9 fendant. In case of the refusal of the officer of the company who keeps the rec-
10 ord or account of the shares of stock or interests of the stockholders therein to
11 give the certificate above provided for, the plaintiff in the execution may, upon
12 application to the court out of which the execution has issued, obtain a citation
13 against such corporation requiring it, through its proper officer, to appear be-
14 fore the court, at a time and place specified in such citation, and be examined
15 under oath with respect to the number of shares of stock or amount of interest
16 held by the judgment debtor in such corporation, and the court shall have power
17 to compel such officer to testify under oath fully with respect thereto, and, if it
18 appears by the testimony of such officer, that the judgment debtor holds any num-
19 ber of shares of stock or any amount of interest in such corporation, such of-

20 ficer thereof may be required by the order of the court to make a proper certifi-
 21 cate as to such holding by the judgment debtor and to deliver the same to the
 22 officer.

Sec. 1027. CITATIONS TO JUDGMENT DEBTOR AND THIRD PERSONS—FIXING RIGHTS
 2 OF THIRD PERSONS.] Whenever it appears by the certificate of the proper officer
 3 of the corporation that the judgment debtor holds any number of shares of stock
 4 or amount of interest in such corporation, the court, on the application of the
 5 plaintiff in the execution, may order the issuance of a citation to the judgment
 6 debtor requiring him to appear before the court at a time and place fixed there-
 7 for in such citation and be examined under oath with respect to such holding of
 8 shares of stock or amount of interest in such corporation, and, in case such judg-
 9 ment debtor may have in his possession the certificates, or any of them, for his
 10 shares of stock or interest in such corporation, the court may require him to de-
 11 liver such certificates to the officer holding the execution and to assign such shares
 12 to such officer. If it appears from the examination of the judgment debtor that
 13 such certificates or any of them are not in the possession of the judgment debtor
 14 the court may require the judgment debtor to testify respecting the disposition
 15 made by him of such certificate or certificates and the court shall have power, upon
 16 the application of the judgment creditor, to issue a citation to any person, or to
 17 any officer of a corporation, appearing to have received such certificate or certifi-
 18 cates from the judgment debtor, requiring such person or officer of a corporation
 19 to appear before the court at a time and place fixed in such citation and then and
 20 there testify respecting the interest of such person or corporation in such certifi-
 21 cate or certificates, and may fix and determine the right or interest of such per-
 22 son or corporation in and to such certificate or certificates and, if necessary for
 23 such purpose, may cause proper issues to be made up, as near as may be, as in
 24 an action in equity, and may enter such order, judgment or decree respecting
 25 such certificate or certificates of stock as the law and the evidence may require.

Sec. 1028. PROCEDURE TO OBTAIN STOCK FOR PURCHASER AT SALE.] When any

2 such shares of stock or interest of the judgment debtor in a corporation have
3 been sold under an execution an attested copy of the execution and of the return
4 thereon shall, within fifteen days after the sale, be left with the officer of the
5 company whose duty it is to record transfers or shares. If the certificates for such
6 shares have been received by the officer from the defendant as above provided,
7 the purchaser at the execution sale shall thereupon be entitled to a certificate or
8 certificates of the shares bought by him upon his paying the fees therefor and
9 for recording the transfer and the delivery to the proper officer of the corpora-
10 tion of the certificate or certificates received from the judgment debtor as afore-
11 said. If such certificate or certificates shall not have been received by the officer
12 from the judgment debtor, but shall be in the possession of a third person or cor-
13 poration the purchaser shall be entitled to receive from the officer of the cor-
14 poration a certificate showing his right to such share or shares of stock subject
15 to the rights of such third person or corporation as they may be fixed and be de-
16 termined by the court, and if it appear that such third person or corporation
17 holds such shares of stock as security for an indebtedness of the judgment debtor
18 to such third person or corporation, or as security for any other liability, the
19 purchaser at such execution sale shall have the right, upon the payment to such
20 third person or corporation of the amount of such indebtedness, or the satisfac-
21 tion of such liability, to receive from such third person or corporation such cer-
22 tificate or certificates of stock.

Sec. 1029. DIVIDENDS AFTER LEVY OF ATTACHMENT.] If the shares of stock

2 or interest of the judgment debtor sold under execution have been attached in
3 the action in which the execution issued, the purchaser shall be entitled to all the
4 dividends which have accrued after the attachment.

Sec. 1030. SET OFF OF EXCEPTIONS.] Executions between the same parties
 2 may be set off one against another if required by either party as prescribed in
 3 the following section.

Sec. 1031. METHOD OF SETTING OFF EXECUTIONS.] When one of the executions
 2 is delivered to an officer to be executed, the debtor therein may deliver his execu-
 3 tion to the same officer whether the second execution is directed to the same or to
 4 any other officer; and the officer shall apply it, as far as it will extend, to the sat-
 5 isfaction of the first execution, and the balance due on the larger execution may
 6 be collected and paid in the same manner as if there had been no such set off.

Sec. 1032. WHEN SET OFF OF EXECUTIONS NOT ALLOWED.] Such set off shall
 2 not be allowed in the following cases:

3 *First*—When the creditor in one of the executions is not in the same capacity
 4 and trust as the debtor in the other.

5 *Second*—When the sum due on the first execution was lawfully and in
 6 good faith assigned to another person before the creditor in the second execution
 7 became entitled to the sum due thereon.

8 *Third*—When there are several creditors in one execution and the sum due
 9 on the other is due from a part of them only.

10 *Fourth*—When there are several debtors in one execution and the sum due on
 11 the other is due to a part of them only.

12 *Fifth*—It shall not be allowed as to so much of the first execution as is due
 13 to the attorney in that action for his fees and disbursements therein.

Sec. 1033. COURT MAY SETTLE SUMMARILY QUESTIONS OF SET OFF.] The court
 2 out of which the first execution has issued with respect to which any set off is
 3 claimed shall have power, upon the application of either party or of any person
 4 interested in either judgment, to settle in a summary way the rights of all parties
 5 and persons with respect to such set off.

Sec. 1034. UNJUST REFUSAL TO SURRENDER ESTATE—EXECUTION AGAINST BODY.]

2 If, upon the return of an execution unsatisfied, in whole or in part, the judgment
 3 creditor, or his agent or attorney, shall make an affidavit stating that demand has
 4 been made upon the debtor for the surrender of his estate, goods, chattels, lands
 5 and tenements for the satisfaction of such execution and that he verily believes
 6 such debtor has such estate, goods, chattels, lands and tenements not exempt from
 7 execution or garnishment which he unjustly refuses to surrender, or that since
 8 the debt was contracted or the cause of action accrued, the debtor has fraudulent-
 9 ly conveyed, concealed or otherwise disposed of some part of his estate, with a
 10 design to secure the same to his own use, or defraud his creditors; and also set-
 11 ting forth, upon his knowledge, information and belief, in either case, the facts
 12 tending to show that such belief is well founded and shall procure the order of
 13 the court from which execution issued, or of any judge or master in chancery of
 14 the same county, certifying that probable cause is shown in such affidavit to au-
 15 thorize the issuing of an execution against the body of the debtor, and ordering
 16 that such writ be issued; upon the filing of such affidavit and order with the
 17 clerk, he shall issue an execution against the body of such judgment debtor.

Sec. 1035. OFFICER TO MAKE DEMAND.] For the purpose of enabling the judg-

2 ment creditor to make such affidavit the officer having the execution against the
 3 property of the defendant may demand any estate of the defendant not exempt
 4 from execution, whether the same is of such nature that it may be levied upon
 5 and sold on execution or not.

Sec. 1036. ESCAPE OF DEBTOR.] If the debtor shall escape from arrest upon

2 an execution against his body he may be re-arrested upon the same or another
 3 warrant in the same case; and, for the purpose of arrest or re-arrest, he may be
 4 pursued into any county in this state into which he may flee.

Sec. 1037. IMPRISONMENT OF DEBTOR—LIMITATION.] When a debtor shall be
 2 arrested by virtue of an execution against his body, he shall be conveyed to the
 3 county jail of the county of the officer who made the arrest, and kept in safe cus-
 4 tody until he shall satisfy the execution or be discharged according to law. Im-
 5 mediately upon the arrest of the defendant the officer making the same shall
 6 give notice thereof to the plaintiff, his agent or attorney, if in the county: *Pro-*
 7 *vided*, that no person heretofore or hereafter imprisoned under the provisions of
 8 this act shall be imprisoned for a longer period than six months from the date of
 9 arrest; and, *provided, further*, that no person shall be released from imprison-
 10 ment under this act who neglects or refuses to schedule in manner and form as
 11 hereinafter provided.

Sec. 1038. DISCHARGE OF DEFENDANT FROM IMPRISONMENT—PROCEDURE.] When
 2 any person is imprisoned upon any *capias ad respondendum*, or upon any execu-
 3 tion against his body in an action other than one for a libel, a slander, a malicious
 4 prosecution, a false imprisonment, an assault and battery, the commission of a
 5 fraud, a seduction, a criminal conversation or other injury wilfully inflicted, such
 6 person may obtain his discharge from such imprisonment in the following
 7 manner:

8 *First*—APPLICATION IN WRITING FOR DISCHARGE.] He shall make an applica-
 9 tion in writing for his discharge to the court out of which such *capias ad respond-*
 10 *endum* or execution against his body shall have issued, which said application
 11 shall be filed in the action in which said *capias ad respondendum* or execution
 12 against the body shall have issued and shall specify the court in which the action
 13 is pending, the names of the parties thereto, the classification and number of the
 14 action, and shall set forth the nature of the process under which such person is
 15 imprisoned, the date on which his imprisonment commenced and the facts en-
 16 titling such person to his discharge from such imprisonment.

17 *Second*—NOTICE OF APPLICATION.] Reasonable notice of such application
 18 shall be given to the creditor at whose instance such person was arrested or im-
 19 prisoned, or to his agent or attorney, if in the county; if not, to the officer who
 20 made the arrest, and reasonable notice within the meaning of this clause shall
 21 be not less than one hour before application and time for travel at the rate
 22 of not less than one day for every twenty-four miles traveled.

23 *Third*—DEFENDANT TO BE BROUGHT BEFORE COURT—HEARING.] At the time
 24 appointed in such notice it shall be the duty of the officer in whose custody such
 25 person shall be to convey him before the court out of which the writ under which
 26 he is imprisoned has been issued and the court shall thereupon proceed to deter-
 27 mine such application in a summary manner.

28 *Fourth*—ORDERS TO BE MADE.] When such person is imprisoned for debt
 29 upon a charge of fraud, or upon execution on a charge of refusal to surrender
 30 his estate for the payment of any judgment, and the court shall find such person
 31 not guilty of such fraud or refusal, as the case may be, he shall be discharged
 32 from the arrest or imprisonment, and the creditor at whose instance he was ar-
 33 rested or imprisoned shall be adjudged to pay the costs of the arrest or impris-
 34 onment and of such proceeding. If the person imprisoned shall be found guilty
 35 of such fraud or refusal he shall be remanded to the custody of the proper
 36 officer.

37 *Fifth*—DISCLOSURE AND ASSIGNMENT.] When such person is not discharged
 38 by the court pursuant to the preceding clause, the court shall require him to make
 39 a full and complete disclosure of all of his estate, real or personal, and to con-
 40 vey, assign, transfer and deliver the same, excepting so much thereof as shall be
 41 exempt from execution or garnishment, to the sheriff to be held by the sheriff
 42 subject to the further order of the court.

43 *Sixth*—DISPOSITION OF PROPERTY.] If such person is imprisoned under a
 44 *capias ad respondendum* the property mentioned in the preceding clause shall be

45 held by such sheriff to abide the event of the action in which such *capias ad*
 46 *respondendum* has been issued and to be disposed of as the court may direct, but
 47 if such person is imprisoned under an execution against the body such property
 48 shall be applied under the direction of the court to the satisfaction, so far as the
 49 same may extend, of such execution.

50 *Seventh*—WHEN DEFENDANT MAY BE DISCHARGED — EFFECT OF DISCHARGE.]
 51 Whenever it shall appear to the court that the debtor has conveyed, assigned,
 52 transferred and delivered to the sheriff all of his estate, real or personal, not ex-
 53 empt from execution or garnishment, and that he has not fraudulently conveyed,
 54 concealed or otherwise disposed of some part of his estate with a design to secure
 55 the same to his own use or defraud his creditors, or has not wilfully misused or
 56 expended his goods or estate or some part thereof, the court shall enter an order
 57 discharging such person from arrest or imprisonment, but such discharge shall
 58 be no discharge or satisfaction of the claim, judgment or costs upon which such
 59 person was imprisoned.

Sec. 1039. PAYMENT OF JUDGMENT ETC., MAY BE MADE TO CLERK, ETC.] Any
 2 judgment or decree for the payment of money, when no execution issued thereon
 3 is outstanding, may be satisfied by the payment by the party against whom the
 4 same has been rendered or entered, or any person in his behalf, of the amount
 5 thereof to the clerk of the court in which such judgment or decree has been ren-
 6 dered or entered, who, upon payment being made, shall enter satisfaction there-
 7 of and shall, upon demand, pay over the money received to the person, or his at-
 8 torney, appearing of record to be entitled to receive such payment. Whenever
 9 payment of any judgment or decree is made to the clerk as aforesaid, he shall
 10 forthwith notify the person, or his attorney entitled to receive the same as afore-
 11 said, of such payment.

DIVISION L.

EXEMPTIONS.

SECTION	SECTION
1040. Who entitled to estate of homestead—in what—from what exempt.	1051. Procedure when value greater than that of homestead estate.
1041. Value of estate of homestead.	1052. Sale for non-payment of surplus.
1042. How long estate to continue—for whose benefit.	1053. Officer to make inquiry into facts—procedure.
1043. Property not exempt from sale for taxes, etc.	1054. Personal property exempt.
1044. Requisites of valid release of homestead.	1055. Money due from sale of exempt property also exempt.
1045. Disposition of homestead in case of divorce.	1056. To what extent wages exempt.
1046. Conveyance not to subject property to liens—proceeds exempt.	1057. Debtor to schedule.
1047. Insurance money exempt.	1058. Officer to deliver copy of execution, etc.
1048. Court to set off homestead or order sale and payment of expenses.	1059. Family entitled to exemption when head dies, deserts, etc.
1049. No sale to be made when.	1060. No exemption against wages of laborer or servant.
1050. Procedure for appraisal.	1061. Penalty for seizure of exempt property.

Sec. 1040. WHO ENTITLED TO ESTATE OF HOMESTEAD—IN WHAT—FROM WHAT
 2 EXEMPT.] Every householder having a family shall be entitled to an estate of
 3 homestead, to the extent in value hereinafter specified, in the farm or lot of
 4 land and buildings thereon, owned or rightly possessed, by lease or otherwise,
 5 and occupied by him or her as a residence; and such homestead and all right
 6 and title therein shall be exempt from attachment, judgment, levy or execution,
 7 sale for the payment of his debts, or other purposes, and from the laws of con-
 8 veyance, descent, and devise, except as hereinafter provided.

Sec. 1041. VALUE OF ESTATE OF HOMESTEAD.] The extent in value of such
 2 estate of homestead shall be as follows:
 3 *First*—WHEN FAMILY HUSBAND AND WIFE ONLY.] When the family consists
 4 of a husband and wife only, such value shall be two thousand dollars (\$2,000.)

5 *Second*—WHEN FAMILY HUSBAND AND WIFE, WIDOWER OR WIDOW, AND CHIL-
 6 DREN.] When the family consists of a husband and wife, or a widower or
 7 widow, and children, such value shall be two thousand dollars (\$2,000) and an
 8 additional two hundred dollars (\$200) for each child under the age of seventeen
 9 years.

10 *Third*—WHEN FAMILY CONTAINS DEPENDENT PERSON.] When there shall be,
 11 as a part of the family, a father, a mother, a child above the age of seventeen
 12 years, a brother or a sister of such householder, incapable of self-support and
 13 dependent upon such householder for support, such value shall be increased by
 14 the sum of two hundred dollars (\$200) for every such dependent father, mother,
 15 child, brother or sister.

Sec. 1042. HOW LONG ESTATE TO CONTINUE—FOR WHOSE BENEFIT.] Such ex-

2 emption shall continue, after the death of such householder, for the benefit of
 3 the husband or wife surviving, so long as he or she continues to occupy such
 4 homestead and of the children until the youngest child becomes twenty-one
 5 years of age, and for the benefit of any father, mother, child, brother or sister,
 6 incapable of self-support and dependent as aforesaid, until the death of such
 7 father, mother, child, brother or sister; and in case the husband or wife shall
 8 desert his or her family the exemption shall continue in favor of the one occupy-
 9 ing the premises as a residence, or in case both husband and wife, or a sur-
 10 viving husband or surviving wife, shall desert their, his or her family, such
 11 exemption shall continue in favor of each child under the age of twenty-one
 12 years of age and of such father, mother, child, brother or sister, incapable of
 13 self-support and dependent as aforesaid, so long as the same shall be occupied
 14 as a residence.

Sec. 1043. PROPERTY NOT EXEMPT FROM SALE FOR TAXES, ETC.] No property

2 shall, by virtue of the last three preceding sections, be exempt from sale for

3 non-payment of taxes or assessments, or for a debt or liability incurred for the
4 purchase or improvement thereof.

Sec. 1044. REQUISITES OF VALID RELEASE OF HOMESTEAD.] No release, waiver
2 or conveyance of the estate so exempted shall be valid, unless the same is in
3 writing subscribed by such household-er and his or her wife or husband, if he or
4 she have one, and acknowledged in the samè manner as conveyances of real
5 estate are required to be acknowledged or possession is abandoned or given pur-
6 suant to the conveyance, or, if the exemption is continued to a child or children,
7 or to a father, mother, child, brother or sister, incapable of self-support and de-
8 pendent as aforesaid, without the order of a court of competent jurisdiction
9 directing a release thereof: *Provided*, that in all cases when such release,
10 waiver or conveyance shall be taken by way of mortgage or security the same
11 shall only be operative as to such specific release, waiver or conveyance, and
12 when the same includes different pieces of land or the homestead is of greater
13 value than the amount fixed by this act as the value thereof, said other lands
14 shall first be sold before resorting to the homestead and in case of the sale of such
15 homestead, if any balance shall remain after the payment of the debt and costs,
16 such balance shall, to the extent of the value fixed by this act for said estate of
17 homestead, be exempt and be applied upon such homestead exemption in the
18 manner provided by law.

Sec. 1045. DISPOSITION OF HOMESTEAD IN CASE OF DIVORCE.] In case of a di-
2 vorce the court granting the divorce may dispose of the homestead estate accord-
3 ing to the equities of the case.

Sec. 1046. CONVEYANCE NOT TO SUBJECT PROPERTY TO LIENS — PROCEEDS EX-
2 EMPT.] When a homestead is conveyed by the owner thereof such conveyance
3 shall not subject the premises to any lien or incumbrance to which it would not
4 have been subjected in the hands of such owner, and the proceeds thereof, to
5 the extent of the amount fixed by this act as the value of such homestead estate,

6 shall be exempt from execution or other process for one year after the receipt
 7 thereof by the person entitled to the exemption, and, if reinvested in a home-
 8 stead, the same shall be entitled to the same exemption as the original home-
 9 stead.

Sec. 1047. INSURANCE MONEY EXEMPT.] Whenever a building exempted as
 2 a homestead is insured in favor of the person entitled to the exemption and a
 3 loss occurs entitling such person to the insurance, such insurance money shall
 4 be exempt to the same extent as the building would have been had it not been
 5 destroyed.

Sec. 1048. COURT MAY SET OFF HOMESTEAD OR ORDER SALE AND PAYMENT OF EX-
 2 EMPTION.] In the enforcement of a lien in a court of equity upon premises, in-
 3 cluding the homestead, if such right is not waived or released as provided in
 4 this act, the court may set off the homestead and decree a sale of the balance of
 5 the premises; or, if the value of the premises exceeds the exemption, and the
 6 premises cannot be divided, may order the sale of the whole and the payment of
 7 the amount of the exemption to the person entitled thereto.

Sec. 1049. NO SALE TO BE MADE WHEN.] No sale shall be made of the prem-
 2 ises on such decree or execution, unless a greater sum is bid therefor than the
 3 amount fixed by this act as the value of such homestead estate. If a greater
 4 sum is not so bid the decree may be set aside or modified or the execution re-
 5 leased as for want of property.

Sec. 1050. PROCEDURE FOR APPRAISAL.] If, in the opinion of the creditors or
 2 officer holding an execution against such householder, the premises claimed by
 3 him or her as exempt are worth more than the amount fixed by this act as the
 4 value of the homestead estate, such officer shall summon three householders as
 5 commisisoners who shall, upon oath to be administered to them by the officer,
 6 appraise said premises; and if, in their opinion, the property may be divided .

7 without injury to the interests of the parties they shall set off so much of said
8 premises, including the dwelling house, as in their opinion shall be worth the
9 sum fixed in this act as the value of the homestead estate, and the residue of said
10 premises may be advertised and sold by such officer. Each commissioner shall
11 receive for his services the sum of two dollars (\$2) per day for each day neces-
12 sarily engaged in such services. The officer summoning such commissioners
13 shall receive such fees as may be allowed for serving a summons, but shall be
14 entitled to charge mileage for only the actual distance traveled from the prem-
15 ises to be appraised to the residence of the commissioners summoned: *Provided*,
16 the officer shall not be required to summon commissioners until the plaintiff
17 named in the writ or some one for him shall advance to the officer one day's
18 fees for said commissioners, and unless the plaintiff or creditor shall advance
19 such fees the officer shall not be required to execute such writ. The costs of
20 such appraisement shall not be taxed against the execution debtor unless such
21 appraisement shall show that the debtor has property subject to such execu-
22 tion.

Sec. 1051. PROCEDURE WHEN VALUE GREATER THAN THAT OF HOMESTEAD ES-
2 TATE.] In case the value of the premises shall, in the opinion of said commis-
3 sioners, be more than the sum fixed by this act as the value of the homestead es-
4 tate and the premises cannot be divided as provided for in this act, the commis-
5 sioners shall make and sign an appraisal of the value thereof and deliver the
6 same to the officer who shall deliver a copy thereof to the execution debtor or
7 to some one of the family of suitable age to understand the nature thereof, with
8 a notice thereof attached that, unless the execution debtor shall pay to said
9 officer the surplus over and above the sum fixed by this act as the value of the
10 homestead estate on the amount due on said execution within sixty days there-
11 after, such premises will be sold.

Sec. 1052. SALE FOR NON-PAYMENT OF SURPLUS.] In case such surplus, or
 2 the amount due on said execution, shall not be paid within sixty days the officer
 3 may advertise and sell the said premises and out of the proceeds of such sale pay
 4 to such execution debtor the said sum fixed by this act as the value of the home-
 5 stead estate and apply the balance on said execution.

Sec. 1053. OFFICER TO MAKE INQUIRY INTO FACTS—PROCEDURE.] Before any
 2 officer shall take any proceedings for the appraisal of the premises in which an
 3 estate of homestead is claimed such officer shall make inquiry of the householder
 4 or other person claiming such estate of homestead as to the facts specified in
 5 section two (2) above pertaining to the extent in value of such estate of home-
 6 stead, and shall cause the statement of such householder or other person with
 7 respect thereto to be reduced to writing and signed by such householder or
 8 other person, and shall furnish to the plaintiff in the execution a copy there-
 9 of. If the plaintiff in the execution shall not dispute the facts set forth in such
 10 statement, the same shall be taken by such officer as true and such officer shall
 11 estimate the value of such homestead estate in accordance therewith. If the
 12 plaintiff in the execution shall dispute the facts set forth in such statement such
 13 officer shall forthwith submit the matter to the court out of which such execution
 14 has issued, and such court shall thereupon proceed in a summary manner to
 15 hear the evidence and to determine the facts bearing upon the extent in value of
 16 the householder's estate of homestead and shall enter an order fixing the value
 17 thereof, which order shall be final and conclusive, both upon the plaintiff in
 18 the execution and upon such householder, in all subsequent proceedings under
 19 such execution.

Sec. 1054. PERSONAL PROPERTY EXEMPT.] The following personal property
 2 owned by a debtor shall be exempt from execution, writ of attachment, distress
 3 for rent and garnishment, and also from any other proceeding provided for by

4 this act to subject the property of a debtor to the payment of a judgment,
5 to-wit:

6 *First*—WEARING APPAREL, ETC.] The necessary wearing apparel, Bible,
7 school books and family pictures of the debtor, and also those of the members
8 of his family.

9 *Second*—TOOLS, IMPLEMENTS, ETC.] The tools, implements, horses, wagons,
10 furniture and books used by any workman, artist, physician, surgeon, lawyer or
11 other person, used by him in the pursuit of his work, profession or calling, to
12 the extent in value of one hundred dollars (\$100).

13 *Third*—OTHER PROPERTY.] Other property to be selected by the debtor from
14 property other than money, salary or wages due him or her from any person
15 or persons or corporation whatever, the property to be thus selected not to ex-
16 ceed the following amounts:

17 *a*—When the debtor is not the head of a family residing with the same,
18 such amount shall be the sum of one hundred dollars (\$100).

19 *b*—When the debtor is the head of a family consisting of a husband and
20 wife only, such amount shall be the sum of five hundred dollars (\$500).

21 *c*—When such debtor is the head of a family consisting of a husband and
22 wife, or a widower or widow, and children, such amount shall be the sum of five
23 hundred dollars (\$500), and an additional one hundred dollars (\$100) for each
24 child under the age of seventeen years.

25 *d*—When the debtor is the head of a family as a part of which there is a
26 father, a mother, a child above the age of seventeen years, a brother or a sister
27 of such debtor, incapable of self-support and dependent upon such debtor for
28 support, such amount shall be increased by the sum of two hundred dollars
29 (\$200) for every such father, mother, child, brother or sister.

Sec. 1055. MONEY DUE FROM SALE OF EXEMPT PROPERTY ALSO EXEMPT.] Money

2 due the debtor from the sale of any personal property which was exempt from
3 execution, writ of attachment or distress for rent at the time of such sale shall

4 be exempt from execution, attachment, garnishment and other legal process, to
 5 the same extent as such property would be exempt had the same not been sold
 6 by such debtor.

Sec. 1056. TO WHAT EXTENT WAGES EXEMPT.] The wages for services of a
 2 wage-earner, who is the head of a family and residing with the same, shall be ex-
 3 empt from all legal process for the application thereof to the payment of any
 4 judgment to the following extent:

5 *First*—WHEN FAMILY HUSBAND AND WIFE ONLY.] When the family consists
 6 of a husband and wife only, the amount so exempt shall be fifteen dollars (\$15).

7 *Second*—WHEN FAMILY HUSBAND, AND WIFE, WIDOWER OR WIDOW, AND CHIL-
 8 DREN.] When the family consists of a husband and wife, or a widower or
 9 widow, and children, the amount so exempt shall be fifteen dollars (\$15) and one
 10 dollar (\$1) in addition thereto for each child under the age of seventeen
 11 years.

12 *Third*—WHEN FAMILY CONTAINS A DEPENDENT PERSON.] When there shall
 13 be, as a part of the family, a father, mother, a child above the age of seventeen
 14 years, a brother or a sister of such debtor, incapable of self-support and de-
 15 pendent upon such debtor for support, such amount shall be increased by the
 16 sum of two dollars (\$2) for every such dependent father, mother, child, brother
 17 or sister.

Sec. 1057. DEBTOR TO SCHEDULE.] Whenever any debtor against whom an
 2 execution, writ of attachment or distress warrant has been issued desires to avail
 3 himself of the benefit of this act he shall, within ten days after a copy of the
 4 execution, attachment or distress warrant is served upon him, make a schedule
 5 of all his personal property of every kind and character, including money on
 6 hand and debts due and owing to the debtor, together with a statement of the
 7 facts hereinbefore specified necessary for the determination of the amount of
 8 such debtor's exemption and shall deliver the same to the officer or other person

9 having the execution, writ of attachment or distress warrant, which said sched-
10 ule and statement shall be subscribed and sworn to by the debtor and any prop-
11 erty owned by the debtor and not included in said schedule shall not be exempt
12 as aforesaid, and thereupon the officer having the execution, writ of attachment
13 or distress warrant shall summon three householders who, after being first duly
14 sworn to fairly and impartially appraise the property of the debtor, shall fix a
15 fair valuation upon each article contained in said schedule and the debtor shall
16 then select from said schedule the articles he or she may desire to retain, the
17 aggregate amount of which shall not exceed the amount exempted to which he
18 or she may be entitled, and deliver the remainder to the officer having the writ;
19 and the officer having such writ is hereby authorized to administer the oaths
20 required herein of the debtor and appraisers. When the judgment debtor has
21 presented a sufficient schedule of all his personal estate, the return of such ex-
22 ecution unsatisfied and the issuing of an alias or subsequent execution shall not
23 render it necessary for such judgment debtor, for the purpose of availing him-
24 self of the benefits of the exemption laws of this state, to present an additional
25 schedule unless additional property has been acquired before ninety (90) days
26 from the date of the writ. If the plaintiff in the execution, attachment or dis-
27 tress warrant shall dispute the facts set forth in the statement hereinbefore pro-
28 vided for, the officer or other person executing the writ or distress warrant shall
29 forthwith submit the matter to the court out of which the writ has issued or to
30 which the distress warrant is to be returned, and such court shall thereupon pro-
31 ceed in a summary manner to hear the evidence and to determine the facts bear-
32 ing upon the amount of such debtor's exemption and shall enter an order fixing
33 the value thereof, which order shall be final and conclusive both upon the plain-
34 tiff in the execution, writ of attachment or distress warrant and upon such
35 householder in all subsequent proceedings under such execution, writ of attach-
36 ment or distress warrant.

Sec. 1058. OFFICER TO DELIVER COPY OF EXECUTION, ETC.] Every officer or
 2 other person levying an execution, writ of attachment, or distress warrant, shall,
 3 at or prior to such levy, deliver to the debtor personally, if the debtor is then
 4 found by such officer or other person, a copy of such execution, writ of attach-
 5 ment or distress warrant, together with a suitable blank for the schedule and
 6 statement above provided for, on which shall be printed the three next preceding
 7 sections of this act and shall inform such debtor of the contents of such execu-
 8 tion and of such debtor's rights with respect to such schedule, as defined in said
 9 three preceding sections. If such debtor is not then found by such officer or
 10 other person, such copy of the execution, writ of attachment and distress war-
 11 rant and schedule may be delivered by the officer to any member of the family
 12 of the debtor above the age of seventeen years and informing such member of
 13 the contents thereof and of the rights of said judgment debtor with respect to
 14 such schedule, or, if such debtor or such member of his family be not then
 15 found, such officer may post up such copy of such execution and schedule in
 16 some public place near the place of the levy upon said property.

Sec. 1059. FAMILY ENTITLED TO EXEMPTION WHEN HEAD DIES, DESERTS, ETC.]
 2 When the head of a family shall die, desert or not reside with the same the fam-
 3 ily shall be entitled to and shall receive all the benefits and privileges which are
 4 by this act conferred upon the head of a family residing with the same.

Sec. 1060. NO EXEMPTION AGAINST WAGES OF LABORER OR SERVANT.] No per-
 2 sonal property shall be exempted from levy of attachment or execution when the
 3 debt or judgment is for the wages of any laborer or servant: *Provided*, the
 4 court rendering judgment shall find that the demand so sued for is the wages due
 5 such person as laborer or servant, which finding shall be expressed in the rec-
 6 ord of said judgment and endorsed upon the execution when issued. In all
 7 actions brought to recover wages due any laborer or servant, when it shall ap-
 8 pear to the satisfaction of the court or jury that it was necessary in the perform-

9 ance of said labor that the laborer or servant use his horse or team, then said
 10 services shall be included in said wages and become a part of the judgment for
 11 said wages and from such judgment nothing shall be exempted.

Sec. 1061. PENALTY FOR SEIZURE OF EXEMPT PROPERTY.] If any officer by
 2 virtue of any execution or other process, or any other person by the right of
 3 distress, shall take or seize any of the articles or property exempted as herein
 4 provided from levy and sale, such officer or person shall be liable to the party
 5 injured for double the value of the property so illegally taken or seized to be
 6 recovered by an action at law with the costs of the action.

DIVISION LI.

SUPPLEMENTARY PROCEEDINGS AND CREDITORS' BILLS.

SECTION

- 1062. Judgment exceeding \$25 exclusive of costs—how proceeded under.
- 1063. Citation after return of execution.
- 1064. Requisites of petition — citation — forms.
- 1065. Citation before return of execution—form of petition.
- 1066. Service of citation.
- 1067. Averments of petition which need not be proven.
- 1068. Examination—order for payment of money, etc.—forms.
- 1069. Fraudulent transfers — receiver — bill in equity—form of order.
- 1070. How bill in equity prosecuted — expenses—form of bill.
- 1071. Order for warrant—forms.
- 1072. Bond—form.
- 1073. Examination to be under oath—postponement attachment — forms.
- 1074. Assignment to sheriff — action — expenses—forms.
- 1075. Service of citation to be notice.

SECTION

- 1076. Expenses when property discovered—vexatious conduct—forms of orders.
- 1077. Costs out of money recovered—form of order.
- 1078. Costs of judgment debtor—form of order.
- 1079. Discontinuance—dismissal.
- 1080. Intervention—forms.
- 1081. Restraining order—forms.
- 1082. Bond of judgment debtor—forms.
- 1083. Speedy hearing to judgment debtor committed to jail.
- 1084. Reference to master—form.
- 1085. Service of order.
- 1086. Court may designate days for examinations.
- 1087. Other proceedings to be regulated by rules.
- 1088. Judgments of justices of the peace—forms of petition and citation.
- 1089. Creditors' bills.

Sec. 1062. JUDGMENT EXCEEDING \$25 EXCLUSIVE OF COSTS—HOW PROCEEDED
 2 UNDER.] Any judgment of a court of record for the payment of money hereto-
 3 fore or hereafter rendered when the amount due thereon, exclusive of interest
 4 and costs, exceeds twenty-five dollars (\$25), may also be proceeded under by a
 5 supplementary proceeding, or creditor's bill, as hereinafter provided.

Sec. 1063. CITATION AFTER RETURN OF EXECUTION.] At any time within
 2 seven years after the entry of such judgment and upon the return, wholly or
 3 partly unsatisfied, of an execution issued thereon, the judgment creditor shall,
 4 upon petition therefor, be entitled, as a matter of course, and without an order
 5 of court, to a citation requiring the judgment debtor or any other person whom
 6 or corporation which the judgment creditor may believe to have personal prop-
 7 erty of the debtor not exempt from execution or garnishment, or to be indebted
 8 to such judgment debtor in a sum exceeding the amount exempt by law from
 9 garnishment, or to have title to or possession or control of property conveyed,
 10 transferred or otherwise disposed of by the judgment debtor, with the intent to
 11 disturb, delay, hinder or defraud his creditors, or other persons, to attend before
 12 the court and be examined under oath concerning such debtor's property at the
 13 time and place specified in the citation: *Provided, however,* that if the defend-
 14 ant or other person or corporation to be cited neither resides nor has a place
 15 of business within the county in which the judgment is rendered such citation
 16 shall require such defendant or other person, or the proper officer of the cor-
 17 poration cited, to attend before the county court of the county, if any, in which
 18 such defendant or other person resides or has a place of business.

Sec. 1064. REQUISITES OF PETITION CITATION FORMS.] The petition pro-
 2 vided for in the preceding section shall specify the court in which the proceed-
 3 ing is brought, the names of the parties thereto, together with its classification
 4 and number, the date and amount of the judgment, and the title, classification
 5 and number of the action in which the judgment was rendered. It shall also

6 state the date of the issuance and return of the execution, that the same was
 7 returned wholly or partially unsatisfied, and the amount due thereon, exclusive
 8 of interest and costs, and shall specify the day and hour when the defendant, or
 9 other person or corporation, is to be required to appear, and, if any corporation
 10 is required to appear, the name of the officer thereof who is to attend and be ex-
 11 amined, which day shall be not less than three (3) nor more than fifteen (15)
 12 days after the date of the citation. The court may, by rule, fix the days and the
 13 hours thereof for the attendance and examination of judgment debtors and other
 14 persons and in such case the petition shall specify the day and hour of the ap-
 15 pearance of the person to be examined accordingly. Upon the presentation of
 16 the petition, if the same appears to be in due form, the clerk shall file the same
 17 and issue the citation in accordance with the prayer thereof. The following forms
 18 shall be deemed sufficient and shall be taken as furnishing suggestions from which
 19 other petitions and citations may be properly framed:

20 1. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AFTER RETURN OF EXECUTION.

21 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

22 John Doe }
 v. } Supplementary Proceeding. No. 25.
 23 Richard Roe. }

PETITION FOR CITATION.

24 The plaintiff says:

25 1. That on February 10, 1908, he recovered a judgment against the defend-
 26 ant in said circuit court in the case of John Doe v. Richard Roe, Contract, No.
 27 17, for the sum of five hundred dollars (\$500), together with costs of the action
 28 taxed at eight dollars (\$8).

29 2. That on February 12, 1908, execution was duly issued on said judgment
 30 and delivered to the sheriff of Cook county and was on May 1, 1908, duly re-
 31 turned by said sheriff wholly unsatisfied.

32 3. That the amount due plaintiff on said judgment, exclusive of interest
 33 and costs, is five hundred dollars (\$500).

34 Wherefore plaintiff prays for a citation to said defendant, Richard Roe, re-
 35 quiring his appearance for examination at ten o'clock A. M. on Tuesday,
 36 June 1, 1908.

37 JOHN DOE,

38 By THOMAS JONES,

39 *Plaintiff's Attorney.*

40 John Doe on his oath says that he is the plaintiff in the above petition, and
 41 that the matters and things therein alleged are true in substance and in fact.

42 JOHN DOE.

43 Subscribed and sworn to before me this 25th day of May, 1908.

44 JOHN SMITH, *Clerk.*

45 (If the affidavit is made by an attorney or agent of the petitioner, it may
 46 be in the following form):

47 Thomas Jones on his oath says that he is the attorney (or agent, as the
 48 case may be) of the above named plaintiff, John Doe, and that the matters and
 49 things therein alleged are true to the best of his knowledge, information and
 50 belief.

51 THOMAS JONES.

52 Subscribed and sworn to before me this 25th day of May, 1908.

53 JOHN SMITH, *Clerk.*

54 2. PETITION FOR CITATION OF CORPORATION DEBTOR AFTER RETURN OF EXECUTION.

55 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

56 John Doe	}	Supplementary Proceeding. No. 26.
57 v.		
57 Chicago Insurance		
58 Company.		

59 PETITION FOR CITATION.

60 The plaintiff says:

61 1. That on February 10, 1908, he recovered a judgment against said de-
 62 fendant in said circuit court in the case of John Doe v. Chicago Insurance Com-

pany, Contract, No. 18, for the sum of five hundred dollars (\$500), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on the said judgment and delivered to the sheriff of Cook county, and was on May 1, 1908, duly returned by said sheriff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is five hundred dollars (\$500).

Wherefore plaintiff prays for a citation to said defendant, Chicago Insurance Company, requiring its appearance at ten o'clock A. M. on Tuesday, June 1, 1908, and the attendance of Henry Brown, the secretary of said Chicago Insurance Company, for examination under oath concerning the property of said defendant.

JOHN DOE,
By THOMAS JONES,
Plaintiff's Attorney.

(Here add affidavit verifying petition as in first form.)

3. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND ANOTHER INDIVIDUAL AFTER RETURN OF EXECUTION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Supplementary Proceeding. No. 27.

PETITION FOR CITATION.

The plaintiff says:

1. That on February 12, 1908, he recovered a judgment against said defendant in said circuit court in the case of John Doe v. Richard Roe, Contract No. 21, for the sum of one thousand dollars (\$1,000), together with costs of the action taxed at eight dollars (\$8).

4. That plaintiff believes that one William Smith, of said county of Cook,
has personal property of said Richard Roe not exempt from execution or gar-
nishment, or is indebted to said Richard Roe in a sum exceeding the amount ex-
empt by law from garnishment.

JOHN DOE,

By THOMAS JONES,

Plaintiff's Attorney.

(Here add affidavit verifying petition as in first form.)

4. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND A CORPORATION AFTER RETURN OF EXECUTION.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

108 John Doe
 v.
 109 Richard Roe. } Supplementary Proceeding. No. 28.

PETITION FOR CITATION.

The plaintiff says:

1. That on February 10, 1908, he recovered a judgment against said defendant in said circuit court in the case of John Doe v. Richard Roe, Contract, 19, for the sum of two thousand dollars (\$2,000), together with costs of the on taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on said judgment delivered to the sheriff of Cook county and was on May 1, 1908, duly returned said sheriff wholly unsatisfied.

119 3. That the amount due plaintiff on said judgment, exclusive of interest
120 and costs, is two thousand dollars (\$2,000).

121 4. That plaintiff believes that the Chicago Insurance Company has per-
122 sonal property of said defendant, Richard Roe, not exempt from execution or gar-
123 nishment, or is indebted to said defendant, Richard Roe, in a sum exceeding the
124 amount exempt by law from garnishment.

125 Wherefore plaintiff prays for citations to said defendant, Richard Roe, and
126 said Chicago Insurance Company, requiring their appearance and the attend-
127 ance of Henry Smith, the secretary of said Chicago Insurance Company, at ten
128 o'clock A. M. on Tuesday June 11, 1908, for the examination of the defendant and
129 said Henry Smith concerning the property of said defendant.

130

JOHN DOE,

131

By THOMAS JONES,

132

Plaintiff's Attorney.

133 (Here add affidavit verifying petition as in first form.)

134 5. PETITION FOR CITATION OF CORPORATION DEBTOR AND AN INDIVIDUAL AFTER RE-
135 TURN OF EXECUTION.

136

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

137 John Doe

v.

138 Chicago Insurance

139 Company.

} Supplementary Proceeding. No. 29.

140

PETITION FOR CITATION.

141 The plaintiff says:

142 1. That on February 10, 1908, he recovered a judgment against said de-
143 fendant in said circuit court in the case of John Doe v. Chicago Insurance Com-
144 pany, Contract. No. 18, for the sum of five hundred dollars (\$500), together with
145 costs of the action taxed at eight dollars (\$8).

146 2. That on February 12, 1908, execution was duly issued on the said judg-
147 ment and delivered to the sheriff of Cook county and was on May 1, 1908, duly re-
148 turned by said sheriff wholly unsatisfied.

149 3. That the amount due plaintiff on said judgment, exclusive of interest
150 and costs, is five hundred dollars (\$500).

151 4. That plaintiff believes that Richard Roe has personal property of said
152 defendant, Chicago Insurance Company, not exempt from execution or garnish-
153 ment, or is indebted to said defendant, Chicago Insurance Company, in a sum ex-
154 ceeding the amount exempt by law from garnishment.

155 Wherefore plaintiff prays for citations to said defendant, Chicago Insur-
156 ance Company, and said Richard Roe, requiring their appearance and the attend-
157 ance of Henry Smith, the secretary of said Chicago Insurance Company, at ten
158 o'clock A. M. on Tuesday, June 1, 1908, for the examination of said Henry Smith
159 and said Richard Roe concerning the property of said defendant.

160 JOHN DOE,

161 By THOMAS JONES,

162 *Plaintiff's Attorney.*

163 (Here add affidavit verifying petition as in first form.)

164 6. PETITION FOR CITATION OF SEVERAL INDIVIDUAL DEBTORS AFTER RETURN OF
165 EXECUTION.

166 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

167 John Doe	{	Supplementary Proceeding. No. 30.
168 v.		
168 Richard Roe and		
169 Thomas Jones.		

170 PETITION FOR CITATION.

171 The plaintiff says:

172 1. That on February 10, 1908, he recovered a judgment against said de-
173 fendants in said circuit court in the case of John Doe v. Richard Roe and
174 Thomas Jones, Contract, No. 23, for the sum of three thousand dollars (\$3,000),
175 together with costs of the action, taxed at eight dollars (\$8.)

176 2. That on February 12, 1908, execution was duly issued on said judgment
177 and delivered to the sheriff of Cook county, and was on May 1, 1908, duly re-
178 turned by said sheriff wholly unsatisfied.

179 3. That the amount due plaintiff on said judgment, exclusive of interest
180 and costs, is three thousand dollars (\$3,000).

181 Wherefore plaintiff prays for a citation to said defendants requiring their
182 appearance for examination at ten o'clock A. M. on Tuesday, June 1, 1908.

183 JOHN DOE,
184 By THOMAS JONES,
185 *Plaintiff's Attorney.*

186 (Here add affidavit verifying petition as in first form.)

187 7. PETITION FOR CITATION OF INDIVIDUAL DEBTORS AND OTHER INDIVIDUALS AFTER
188 RETURN OF EXECUTION.

189. IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

190 John Doe	} Supplementary Proceeding. No. 31.
191 Richard Roe and v.	
192 Thomas Jones.	

193 PETITION FOR CITATION.

194 The plaintiff says:

195 1. That on February 10, 1908, he recovered a judgment against said de-
196 fendants in said circuit court in the case of John Doe v. Richard Roe and
197 Thomas Jones, Contract, No. 24, for the sum of three thousand dollars (\$3,000),
198 together with costs of the action taxed at eight dollars (\$8).

199 2. That on February 12, 1908, execution was duly issued on said judgment
200 and delivered to the sheriff of Cook county and was on May 1, 1908, duly re-
201 turned by said sheriff wholly unsatisfied.

202 3. That the amount due plaintiff on said judgment, exclusive of interest
203 and costs, is three thousand dollars (\$3,000).

204 4. That plaintiff believes that one William Smith, of said Cook county,
205 has personal property of the said defendant, Richard Roe, not exempt from
206 execution or garnishment, or is indebted to said defendant, Richard Roe, in a
207 sum exceeding the amount exempt by law from garnishment.

215 JOHN DOE,
216 By THOMAS JONES,
217 *Plaintiff's Attorney.*

219 8. PETITION OF SEVERAL PLAINTIFFS FOR CITATION OF INDIVIDUAL DEBTORS AFTER
220 RETURN OF EXECUTION.

222	John Doe and	} Supplementary Proceeding. No. 25.
223	William Doe	
	v.	
224	Richard Roe and	
225	Thomas Jones.	

1. That on February 10, 1908, they recovered a judgment against said de-
fendants in said circuit court in the case of John Doe and William Doe v. Richard
Roe and Thomas Jones, Contract, No. 47, for the sum of five hundred dollars
(\$500), together with costs of the action taxed at eight dollars (\$8).

235 3. That the amount due plaintiffs on said judgment, exclusive of interest
236 and costs, is five hundred dollars (\$500).

237 Wherefore plaintiffs pray for a citation to said defendants, Richard Roe and
238 Thomas Jones, requiring their appearance for examination at ten o'clock A. M.
239 on Tuesday, June 1, 1908.

240 JOHN DOE and RICHARD ROE,

241

By HENRY BROWN,

242 *Plaintiff's Attorney.*

243 John Doe, on his oath, says that he is one of the plaintiffs in the above peti-
244 tion, and that the matters and things therein alleged are true in substance and
245 in fact.

246 JOHN DOE.

247 Subscribed and sworn to before me this 25th day of June, 1908.

248 JOHN SMITH, *Clerk.*

249 9. CITATION TO INDIVIDUAL DEBTOR.

250 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

251 John Doe } Supplementary Proceeding. No. 25.
 252 Richard Roe. }

253 CITATION.

254 The People of the State of Illinois—GREETING to Richard Roe:

255 We hereby command you to personally be and appear before the circuit
256 court of Cook county, Illinois, at the county court-house in Chicago in said coun-
257 ty at ten o'clock a. m. on Tuesday, the first day of June, 1908, to be examined
258 under oath concerning your property in a certain supplementary proceeding
259 therein pending under a certain judgment rendered by said court against you on
260 the 10th day of February, 1908, for the sum of five hundred dollars (\$500) and
261 costs of the action in favor of John Doe.

262 Witness John Smith, clerk of said circuit court, and the seal thereof, at
263 Chicago, Illinois, this 25th day of May, 1908.

264 JOHN SMITH, *Clerk.*

10. CITATION TO CORPORATION DEBTOR.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Chicago Insurance
Company.

} Supplementary Proceeding. No. 26.

CITATION.

The People of the State of Illinois—GREETING to the Chicago Insurance Com-
pany:

We hereby command you to be and appear before the circuit court of Cook
county, Illinois, at the county court-house in Chicago, in said county, at ten
o'clock a. m. on Tuesday, the first day of June, 1908, and that at said time and
place you cause to be present William Smith, secretary of you, the said Chicago
Insurance Company, to be examined under oath concerning your property in a
certain supplementary proceeding therein pending under a certain judgment ren-
dered by said court against you on the 10th day of February, 1908, for the sum
of five hundred dollars (\$500) and costs of the action in favor of John Doe.

Witness John Smith, clerk of said circuit court, and the seal thereof, at
Chicago, Illinois, this 25th day of May, 1908.

JOHN SMITH, *Clerk.*

11. CITATION TO INDIVIDUAL OTHER THAN DEBTOR.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe

v.

Richard Roe.

} Supplementary Proceeding. No. 27.

CITATION.

The People of the State of Illinois—GREETING to Thomas Jones:

We hereby command you to personally be and appear before the circuit court
of Cook county, Illinois, at the county court-house in Chicago, in said county, at
ten o'clock a. m. on Tuesday, the first day of June, 1908, to be examined under
oath concerning the property of Richard Roe in a certain supplementary pro-
ceeding therein pending under a certain judgment rendered by said court against

296 said Richard Roe on the 10th day of February, 1908, for the sum of five hun
297 dred dollars (\$500) and costs of the action in favor of John Doe.

298 Witness John Smith, clerk of said circuit court, and the seal thereof at

299 Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk*.

300 12. CITATION TO CORPORATION OTHER THAN DEBTOR.

301 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

302 John Doe	}	Supplementary Proceeding. No. 28.
303 v.		
304 Richard Roe.		

305 CITATION.

306 The People of the State of Illinois---GREETING to the Chicago Insurance Com-
307 pany:

308 We hereby command you to be and appear before the circuit court of Cook
309 county, Illinois, at the county court-house in Chicago, in said county, at ten
310 o'clock A. M. on Tuesday, the first day of June, 1908, and that at said time and
311 place you cause to be present William Smith, the secretary of you, the Chicago
312 Insurance Company to be examined under oath concerning the property of
313 Richard Roe in a certain supplementary proceeding therein pending under a
314 certain judgment rendered by said court against said Richard Roe on the 10th
315 day of February, 1908, for the sum of five hundred dollars (\$500) and costs of
316 the action in favor of John Doe.

317 Witness John Smith, clerk of said circuit court, and the seal thereof at

318 Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk*.

319 13. CITATION TO SEVERAL INDIVIDUAL DEBTORS.

320 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

321 John Doe	}	Supplementary Proceeding. No. 30.
322 v.		
323 Richard Roe and		
324 Thomas Jones.		

325 CITATION.

326 The People of the State of Illinois --GREETING to Richard Roe and Thomas
327 Jones:

328 You are hereby commanded to personally be and appear before the circuit
329 court of Cook county, Illinois, at the county court-house in Chicago, in said

330 county, at ten o'clock A. M. on Tuesday, the first day of June, 1908, to be exam-
 331 ined under oath concerning your property and the property of each of you in a
 332 certain supplementary proceeding therein pending under a certain judgment ren-
 333 dered by said court against you on the 10th day of February, 1908, for the sum
 334 of five hundred dollars (\$500) and costs of the action in favor of John Doe.

335 Witness John Smith, clerk of said circuit court and the seal thereof at
 336 Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk*.

Sec. 1065. CITATION BEFORE RETURN OF EXECUTION — FORM OF PETITION.]

2 After the issuance of an execution against the lands, tenements, goods and chat-
 3 tels of any judgment debtor and before the return thereof, upon petition there-
 4 for and proof to the satisfaction of the court that there is reasonable ground to
 5 believe that the judgment debtor has property which he has unjustly refused to
 6 apply towards the satisfaction of the judgment, whether subject to execution or
 7 not, the judgment creditor shall be entitled to a like citation. The petition shall
 8 conform to the requirements of the preceding section excepting that it shall re-
 9 cite the steps taken by the officer under the execution and that the same has not
 10 been returned and shall specify the ground for the belief that the judgment
 11 debtor has property which he unjustly refuses to apply towards the satisfaction
 12 of the judgment. Upon the filing of the petition, the court, if satisfied the plain-
 13 tiff is entitled to a citation, shall order the issuance thereof and the same shall be
 14 issued by the clerk accordingly. The following form of petition under this sec-
 15 tion shall be deemed sufficient and shall be taken as furnishing suggestions from
 16 which other petitions may be properly framed:

17 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

18 John Doe	}	Supplementary Proceeding. No. 34.
19 v.		
20 Richard Roe.		

21 PETITION FOR CITATION.

22 The plaintiff says:

23 1. That on February 10, 1908, he recovered a judgment against said de-
 24 fendant in said circuit court in the case of John Doe v. Richard Roe, Contract,

No. 42, for the sum of eight hundred dollars (\$800), together with costs of the action taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued upon said judgment and delivered to the sheriff of Cook county, who, on February 14, 1908, made demand upon said defendant for the satisfaction of the same, which was refused by said defendant, and that the same has not yet been returned by said sheriff and is wholly unsatisfied.

3. That the amount now due upon said judgment, exclusive of interest and costs, is eight hundred dollars (\$800).

4. That plaintiff has reasonable ground to believe that said Richard Roe has property in the county of Cook which he unjustly refuses to apply towards the satisfaction of said judgment and as ground of such belief plaintiff says that one William Smith, the secretary of the Chicago Insurance Company, has informed plaintiff that said Chicago Insurance Company is indebted to said Richard Roe in the sum of two thousand dollars (\$2,000), and that said Chicago Insurance Company is ready and willing and able to pay said sum to said Richard Roe upon demand.

Wherefore plaintiff prays for a citation to said defendant, Richard Roe, requiring the defendant's appearance for examination at ten o'clock A. M. on Tuesday, March 1, 1908.

JOHN DOE,

By THOMAS JONES,

Plaintiff's Attorney.

(Here add affidavit verifying petition as in first form.)

Sec. 1066. SERVICE OF CITATION.] Every citation issued in a supplementary proceeding shall be served by the delivery of a copy thereof, together with a copy of the plaintiff's petition, to the party to be cited, if such party be an individual or, if such party be a corporation, then to the person to whom a copy of a sum-

mons to be served upon such corporation could properly be delivered as provided in this act. Such delivery may be made by any officer or other person authorized by this act to serve a summons and the service thereof may be proven in the manner provided by this act for proof of the service of a summons. Such service shall be made at least two (2) days prior to the time fixed in the citation for the appearance of the party cited. In case the citation is not returned served two (2) days or more prior to the time therein fixed for the appearance of the party cited the clerk shall, upon the application of the petitioner, issue an alias citation for the appearance of the party cited at such time as may be specified by the petitioner or as may be prescribed by the rules of the court in which the party cited is required to appear: *Provided, however,* that such time shall be not less than three (3) nor more than fifteen (15) days from the issuance of such citation, and a pluries citation may also be issued, upon the application of the petitioner, when any previous citation has not been returned served within the time hereinbefore prescribed. When the person or corporation to be cited is not the judgment debtor and such judgment debtor is not also cited, notice in writing of the examination shall be given to the judgment debtor, or his attorney, at least one day prior to the day fixed therefor, but when such notice has once been given of such examination the judgment debtor shall be bound to take notice of all subsequent postponements or adjournments thereof: *Provided, however,* that no such notice need be given if neither the defendant nor his attorney is a resident of this State, or if neither of them can be conveniently found.

Sec. 1067. AVERMENTS OF PETITION WHICH NEED NOT BE PROVEN.] Upon the hearing of any supplementary proceeding it shall not be necessary for the plaintiff to make proof of the recovery of the judgment, the issuance of the execution and the proceedings had thereon or the amount due the plaintiff on the judgment, or any other fact necessary to entitle the plaintiff to a citation, as alleged in the petition, unless the defendant or other person cited shall, at the time of his ap

pearance, or within such time thereafter as may be allowed by the court, file an affidavit denying such facts or one or more of them, in which case it shall be necessary for the plaintiff to prove the fact or facts so denied. When the party cited is a corporation such affidavit may be made by any officer or agent thereof cognizant of the facts.

Sec. 1068. EXAMINATION — ORDER FOR PAYMENT OF MONEY, ETC.—FORMS.]

Where it appears from the examination or testimony taken pursuant to the provisions of this act that the judgment debtor has in his possession or under his control moneys or other property belonging to him and not exempt from execution, or that money, choses in action, or one or more articles of personal property, capable of delivery and the right of possession of which in said judgment debtor is not substantially disputed, and which are not exempt by law from execution or garnishment, are in the possession or under the control of such other person or corporation, the court before which the examination is held may, in its discretion, make an order directing the judgment debtor or such other person or corporation, immediately to pay the money, assign the choses in action or deliver the articles of personal property to the sheriff of the county in which such court is held, to be by him collected or sold at public sale and the proceeds thereof applied towards the satisfaction of said execution, and if the amount of money or the proceeds of such collection or sale shall exceed the amount due upon such execution and the costs accrued thereon, the overplus shall be paid to the said judgment debtor. The following forms of orders as provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other forms of orders may be properly framed:

1. ORDER DIRECTING DELIVERY OF PROPERTY BY DEFENDANT TO THE SHERIFF.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

22	John Doe	} Supplementary Proceeding. No. 25.
23	v.	
24	Richard Roe.	
		} February 24, 1908.
		} Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this proceeding and of the person of the defendant, Richard Roe, by service of citation and

27 the appearance of the defendant, hears the proofs in open court and thereupon,
 28 upon consideration thereof, the court doth order that the defendant, Richard
 29 Roe, forthwith deliver to the sheriff of Cook county, to be subjected to the pay-
 30 ment of the judgment set forth in the petition herein, the following described
 31 property, in the possession of the defendant, to wit: one bay horse and one black
 32 and white cow.

33 2. ORDER DIRECTING PAYMENT OF MONEY BY DEFENDANT TO THE SHERIFF.

34 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

35 John Doe	}	Supplementary Proceeding. No. 25.
36 v.		February 24, 1908.
37 Richard Roe.		Before Hon. John Jones, Judge.

38 This day the court, having jurisdiction of the subject-matter of this proceed-
 39 ing and of the person of the defendant, Richard Roe, by service of citation and
 40 the appearance of the defendant, hears the proofs in open court and thereupon,
 41 upon consideration thereof, the court doth order that the defendant, Richard
 42 Roe, forthwith pay over to the sheriff of Cook county, to be applied by said sheriff
 43 towards the payment of the judgment set forth in the petition herein, the sum of
 44 one hundred dollars (\$100) in the possession of the defendant.

45 3. ORDER DIRECTING DELIVERY OF PROPERTY BY THIRD PERSON TO THE SHERIFF.

46 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

47 John Doe	}	Supplementary Proceeding. No. 25.
48 v.		February 24, 1908.
49 Richard Roe.		Before Hon. John Jones, Judge.

50 This day the court, having jurisdiction of the subject-matter of this proceed-
 51 ing and of the person of the defendant, Richard Roe, and also of the person of
 52 William Roe by service of citation and the appearance of the defendant and of
 53 said William Roe, hears the proofs in open court and thereupon, upon consider-
 54 ation thereof, the court doth order said William Roe to forthwith deliver to the
 55 sheriff of Cook county, to be subjected to the payment of the judgment set forth
 56 in the petition herein, the following property in the possession of him the said
 57 William Roe and belonging to the said defendant, Richard Roe, to wit: one bay
 58 horse and one black and white cow.

59 4. ORDER DIRECTING PAYMENT OF MONEY BY THIRD PERSON TO THE SHERIFF.

60 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

61 John Doe } Supplementary Proceeding. No. 25.
62 v. } February 24, 1908.
63 Richard Roe. } Before Hon. John Jones, Judge.

64 This day the court, having jurisdiction of the subject-matter of this pro-
65 ceeding and of the person of the defendant, Richard Roe, and also of the per-
66 son of William Roe by service of citation and the appearance of said defendant
67 and of said William Roe, hears the proofs in open court and thereupon, upon
68 consideration thereof, the court doth order that said William Roe forthwith pay
69 to the sheriff of Cook county, to be applied to the payment of the judgment set
70 forth in the petition herein, the sum of one hundred dollars (\$100) due from said
71 William Roe to said Richard Roe.

72 5. ORDER DIRECTING DELIVERY OF PROPERTY BY DEFENDANT TO THE SHERIFF
73 AFTER HEARING UPON MASTER'S REPORT.

74 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

75 John Doe } Supplementary Proceeding. No. 25.
76 v. } February 24, 1908.
77 Richard Roe. } Before Hon. John Jones, Judge.

78 This day the court, having jurisdiction of the subject-matter of this pro-
79 ceeding and of the person of the defendant, Richard Roe, by service of citation
80 and the appearance of the defendant, doth hear the proofs set forth in the mas-
81 ter's report herein and thereupon, upon consideration thereof, the court doth or-
82 der that the defendant, Richard Roe, forthwith deliver to the sheriff of Cook
83 county, to be subjected to the payment of the judgment set forth in the petition
84 herein, the following property, to wit: one bay horse and one black and white
85 cow.

Sec. 1069. FRAUDULENT TRANSFERS—RECEIVER—BILL IN EQUITY—FORMS OF
2 ORDERS.] Where, from such examination or testimony, it appears probable to
3 the court by which such judgment has been rendered that the judgment debtor

4 has conveyed, transferred or otherwise disposed of any property, whether real
 5 or personal, with the intent to disturb, delay, hinder or defraud creditors or
 6 other persons, the court may, in its discretion, make an order appointing a re-
 7 ceiver of the property of such judgment debtor, which receiver, when so ap-
 8 pointed, shall have all the powers of a receiver of the fourth class and shall
 9 have power to exhibit in any court having equity jurisdiction in this state in
 10 which an action in equity can be properly commenced for that purpose, in his
 11 own name, as receiver of such judgment debtor, a bill or bills of complaint in
 12 equity against such judgment debtor and any person or persons, corporation or
 13 corporations, to whom the judgment debtor may have conveyed, transferred or
 14 otherwise made disposition of any property with the intent to disturb, delay,
 15 hinder or defraud his creditors and to cause such property to be applied in sat-
 16 isfaction of such judgment and of all other judgments and claims of every kind
 17 and character which may be exhibited in such action and as against which such
 18 conveyance, transfer or other disposition may be shown to be fraudulent. The
 19 following forms of orders for the appointment of receivers under this section
 20 shall be deemed sufficient and shall be taken as furnishing suggestions from
 21 which other orders for the appointment of receivers may be properly framed:

22 1. ORDER APPOINTING A RECEIVER OF THE PROPERTY OF THE DEFENDANT, WHEN
 23 OFFICIAL RECEIVER IS APPOINTED.

24 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

25 John Doe } Supplementary Proceeding. No. 25.
 26 v. } February 24, 1908.
 27 Richard Roe. } Before Hon. John Jones, Judge.

28 This day the court, having jurisdiction of the subject-matter of this proceed-
 29 ing and of the person of the defendant, Richard Roe, by service of citation and
 30 the appearance of the defendant, hears the proofs in open court and thereupon,
 31 upon consideration thereof, the court doth order that Henry Brown of Cook
 32 county, Illinois, the official receiver of this court, be and he is hereby appointed
 33 receiver of the property of said defendant, Richard Roe, with the powers of a
 34 receiver of the fourth class.

35 2. ORDER APPOINTING A RECEIVER OF THE PROPERTY OF THE DEFENDANT, WHEN
 36 OTHER THAN OFFICIAL RECEIVER IS APPOINTED.

37 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

38 John Doe { Supplementary Proceeding. No. 25.
 39 v. { February 24, 1908.
 40 Richard Roe. { Before Hon. John Jones, Judge.

41 This day the court, having jurisdiction of the subject-matter of this proceed-
 42 ing and of the person of the defendant, Richard Roe, by service of citation and
 43 the appearance of the defendant, hears the proofs in open court and thereupon,
 44 upon consideration thereof, the court doth order that Henry Brown of Cook coun-
 45 ty, Illinois, be and he is hereby appointed receiver of the property of said defend-
 46 ant, Richard Roe, with the powers of a receiver of the fourth class and that the
 47 bond of said Henry Brown as such receiver in the penal sum of two thousand
 48 dollars (\$2,000) with William Brown as surety be and the same is hereby ap-
 49 proved.

 Sec. 1070. HOW BILL IN EQUITY PROSECUTED—EXPENSES—FORM OF BILL.] Every
 2 such bill of complaint in equity mentioned in the preceding clause shall be prose-
 3 cuted under the direction and control and at the expense of the plaintiff in the
 4 judgment for the enforcement of which the supplementary proceedings have
 5 been instituted, and in case no property is recovered thereby all the costs in such
 6 action shall be paid by such plaintiff. In case, by means of such bill of com-
 7 plaint in equity, any property is recovered to be applied in satisfaction of the
 8 judgment, or of such judgment and such other judgments as may be rendered
 9 against the same judgment debtor, all the reasonable costs and expenses of the
 10 action, including reasonable attorney's fees, to be audited by the court in which
 11 the judgment has been rendered, shall be paid to the plaintiff out of the proceeds
 12 of the property recovered. The following form of bill in equity under this sec-
 13 tion shall be deemed sufficient and shall be taken as furnishing suggestions from
 14 which other bills in equity hereunder may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

16	Henry Brown as receiver of the	} In Equity. No. 125.
17	property of Richard Roe	
18	v.	
19	Richard Roe, Mary Roe, William	
20	Roe and Thomas Jones.	

BILL OF COMPLAINT.

The plaintiff, as receiver of the property of Richard Roe, brings this his action in equity against the defendants and says:

1. Plaintiff was, on February 10, 1908, duly appointed by this court as receiver of the property of the defendant, Richard Roe, with the powers of a receiver of the fourth class.

2. Said appointment was made in a supplementary proceeding in said court to enforce a judgment rendered by said court on December 10, 1907, in favor of one John Doe and against said Richard Roe for the sum of two thousand dollars (\$2,000) and the costs of the action.

3. The indebtedness upon which said judgment was founded accrued prior to July 1, 1907.

4. No part of the judgment has been paid or otherwise satisfied.

5. Other judgment creditors of said Richard Roe have intervened in said supplementary proceeding as follows:

a—John Jones, whose judgment is for one thousand dollars (\$1,000) and costs recovered December 17, 1907, in said circuit court, upon an indebtedness which accrued prior to August 1, 1907.

b—George Thomas, whose judgment is for eight hundred dollars (\$800) and costs recovered December 20, 1907, in the superior court of Cook county, upon indebtedness which accrued prior to August 1, 1907.

6. No part of either of said judgments of said John Jones or George Thomas has been paid or otherwise satisfied.

7. The defendants Mary Roe, William Roe and Thomas Jones, have each received from the defendant Richard Roe since August 1, 1907, large amounts of

46 real and personal estate belonging to said Richard Roe without any valuable
 47 consideration for the purpose of aiding said Richard Roe in hindering, delaying
 48 and defrauding his creditors.

49 8. On August 17, 1907, said defendant Richard Roe conveyed by warranty
 50 deed to said Mary Roe, William Roe, and Thomas Jones, the Northwest Quar-
 51 ter of the Northeast Quarter of Section Eighteen (18), Township Twenty-nine
 52 (29) North, Range Three (3) East of Third P. M. in Cook county, Illinois, for
 53 a pretended consideration of ten thousand dollars (\$10,000), whereas there was
 54 no consideration in fact for such conveyance, but the same was made without
 55 any valuable consideration for the purpose of aiding said Richard Roe in hinder-
 56 ing, delaying and defrauding his said creditors.

57 Wherefore plaintiff prays as follows:

58 *First*—For a discovery from the defendants and each of them concerning
 59 the matters above set forth.

60 *Second*—For a decree setting aside the aforesaid conveyance and subject-
 61 ing the property to the payment of the above named judgments.

62 *Third*—For general relief.

HENRY BROWN,

63 *As receiver for the property of Richard Roe.*

64 By WILLIAM SMITH,

65 *His Attorney.*

66 NOTE.

67 The clerk will issue four summonses to defendants for their appearance on
 68 Monday, March 8, 1908.

Sec 1071. ORDER FOR WARRANT—FORMS.] Upon proof entitling the judgment
 2 creditor to a citation before the return of an execution and also proof to the sat-
 3 isfaction of the court that there is danger that the judgment debtor will leave
 4 the state or conceal himself and that there is reason to believe that he has prop-
 5 erty which he unjustly refuses to apply to the payment of the judgment, the
 6 court, instead of making an order for the issuance of a citation, may make an

7 order for the issuance of a warrant by the clerk, under the seal of the court, re-
 8 quiring the sheriff or coroner of any county where the judgment debtor may be
 9 found to arrest him and bring him before the court, if he be a resident of or
 10 have a place of business in the county in which the judgment is rendered, or,
 11 if he be not a resident of the county in which the judgment is rendered, and
 12 have no place of business therein, to bring him before the county court of the
 13 county in which he may reside or may be found, there to be examined in the
 14 same manner as if a citation had issued as hereinbefore provided. The follow-
 15 ing forms of petitions, orders and warrants under this section shall be deemed
 16 sufficient and shall be taken as furnishing suggestions from which other peti-
 17 tions, orders and warrants may be properly framed:

18 1. PETITION FOR WARRANT FOR ARREST OF DEFENDANT.

19 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

20 John Doe
 21 v.
 22 Richard Roe. } Supplementary Proceeding. No. 34.

23 PETITION FOR WARRANT.

24 The plaintiff says:

25 1. That on February 10, 1908, he recovered a judgment against said de-
 26 fendant in said circuit court in the case of John Doe v. Richard Roe, Contract,
 27 No. 42, for the sum of eight hundred dollars (\$800) together with costs of the ac-
 28 tion taxed at eight dollars (\$8).

29 2. That on February 12, 1908, execution was duly issued on said judgment
 30 and delivered to the sheriff of Cook county, who, upon March 14, 1908, made de-
 31 mand upon the defendant to satisfy the same, which was refused by the defend-
 32 ant and said execution was on May 1, 1908, duly returned by the sheriff wholly
 33 unsatisfied.

34 3. That the amount due plaintiff on said judgment, exclusive of interest
 35 and costs, is five hundred dollars (\$500).

65. 3. ORDER FOR ISSUANCE OF WARRANT FOR ARREST OF DEFENDANT RESIDENT IN
66 ANOTHER COUNTY.

67 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

68 John Doe } Supplementary Proceeding. No. 25.
69 v. } February 17, 1908.
70 Richard Roe. } Before Hon. John Jones, Judge.

71 This day, on motion of the plaintiff, it is ordered by the court that the clerk
72 issue a warrant herein directed to the sheriff of Will county commanding him
73 to arrest the defendant and bring him instanter before the county court of
74 Will county for examination.

75 4. WARRANT FOR ARREST OF DEFENDANT IN COUNTY.

76 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

77 John Doe }
78 v. } Supplementary Proceeding. No. 25.
79 Richard Roe. }

80 WARRANT.

81 The People of the State of Illinois—GREETING to the sheriff of Cook county:

82 We hereby command you that you take the body of Richard Roe, if he shall
83 be found in your county, and bring him instanter before said circuit court of
84 Cook county at the county court-house in Chicago in said county, to be examined
85 under oath concerning his property in a certain supplementary proceeding
86 therein pending under a certain judgment rendered by said court against him
87 on the 10th day of February, 1908, for the sum of five hundred dollars (\$500)
88 and costs of the action in favor of John Doe.

89 Witness John Smith, clerk of said circuit court, and the seal thereof at

90 Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk*.

91 5. WARRANT FOR ARREST OF DEFENDANT ISSUED TO SHERIFF OF FOREIGN COUNTY.

92 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

93 John Doe }
94 v. } Supplementary Proceeding. No. 25.
95 Richard Roe. }

96 WARRANT.

97 The People of the State of Illinois—GREETING to the sheriff of Will county:

98 We hereby command you that you take the body of Richard Roe, if he shall

99 be found in your county, and bring him instanter before the county court of Will
100 county at the county court-house in Joliet in said county, to be examined under
101 oath concerning his property in a certain supplementary proceeding pending
102 in said circuit court of Cook county under a certain judgment rendered by said
103 circuit court of Cook county against him on the 10th day of February, 1908, for
104 the sum of five hundred dollars (\$500) and costs of the action in favor of John
105 Doe.

Witness John Smith, clerk of said circuit court and the seal thereof at
Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk.*

Sec. 1072. BOND—FORM.] Before any warrant shall issue as provided in the preceding section the judgment creditor shall execute and file with the clerk a bond in such sum, not less than five hundred dollars (\$500), as may be fixed by the court, with security to be approved by the court or by the clerk, conditioned that he will pay all costs and damages which may be awarded against him by the court in case such warrant be vacated or quashed and the defendant discharged from arrest thereunder and it shall appear that the same was wrongfully issued, such damages and costs to be ascertained and fixed in a summary manner by the court in which such judgment has been entered or to which such warrant shall be returnable, and the payment of such costs and damages to be compelled by such court by attachment of the judgment creditor or by execution against his property, and the sureties on any such bond to be concluded by such assessment of damages. The following form of bond under this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other bonds may be properly framed:

16 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

17 John Doe
18 v.
19 Richard Roe } Supplementary Proceeding. No. 25.

20 BOND.

21 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and
22 William Doe, as surety, are held and firmly bound unto the People of the State

The condition of this obligation is such that whereas on May 25, 1908, the above bounden John Doe obtained from the Circuit court of Cook county, Illinois, an order for the issuance of a warrant directed to the sheriff of Cook county, Illinois, commanding said sheriff to arrest Richard Roe and bring him instanter before said court for examination concerning the property of him, the said Richard Roe, in a certain supplementary proceeding pending in said court under a certain judgment rendered by said court against said Richard Roe on the 10th day of February, 1908, for the sum of eight hundred dollars (\$800) and costs of the action in favor of John Doe, which said warrant is about to issue.

45 JOHN SMITH, *Clerk.*

Sec. 1073. EXAMINATION TO BE UNDER OATH—POSTPONEMENTS—ATTACHMENT
—FORMS.] Upon every examination in a supplementary proceeding each answer
of the party to the citation or witness examined must be under the oath of such
party, or, if such party be a corporation, under the oath of an officer thereof and
the court may, in its discretion, specify the officer. Either party may be exam-

ined as a witness on his own behalf and may produce and examine other witnesses as upon the trial of any action. The court or the master, special commissioner or referee, may postpone any hearing from time to time as the court, master, special commissioner or referee may think proper and may cause the issuance of subpoenas requiring the presence of any witness desired by either party. The court shall have the power to compel the attendance of any party to the citation or witness duly subpoenaed by attachment of the person of such party or witness and the refusal of a party to such citation or a witness to attend or answer proper questions upon the hearing shall be adjudged a contempt of court and shall be punishable, in the discretion of the court, by fine, imprisonment in the county jail, work-house or house of correction for a period not to exceed six months. The following forms of writ of attachment for contempt and orders imposing punishments for contempt under this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other writs of attachment and orders may be properly framed:

1. ATTACHMENT FOR CONTEMPT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23	The People of the	} Criminal. No. 29.
24	State of Illinois	
25	v. Richard Roe.	

ATTACHMENT FOR CONTEMPT.

The People of the State of Illinois—GREETING to the sheriff of Cook county:

We hereby command you that you take the body of Richard Roe, if he shall be found in your county, and him safely keep so that you may have his body instanter before the circuit court of Cook county, at the county court-house in Chicago in said county, to answer unto the People of the State of Illinois for and concerning a contempt of court alleged to have been committed by said Richard Roe by not appearing before the court in obedience to a citation issued

34 and served upon him in the case of John Doe v. Richard Roe, Supplementary
35 Proceeding, No. 25, pending in said court.

Witness John Smith, clerk of said circuit court and the seal thereof at
Chicago, Illinois, this 8th day of February, 1908.

38 JOHN SMITH, *Clerk.*

39 2. ORDER OF PUNISHMENT FOR CONTEMPT FOR NON-APPEARANCE.

40 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

41 The People of the } Criminal. No. 29
42 State of Illinois }
43 v. } February 17, 1908.
44 Richard Roe. } Before Hon. John Jones, Judge.

45 This day the court, the defendant being present, finds the defendant guilty
46 of contempt of court in not appearing before the court in obedience to a citation
47 duly issued and served upon him and doth sentence the defendant upon such
48 finding to pay a fine of one hundred dollars (\$100) and the costs of the action
49 and doth order that he stand committed to the county jail of Cook county until
50 the fine and costs are paid or he is discharged in accordance with law.

3. ORDER OF PUNISHMENT FOR CONTEMPT COMMITTED IN PRESENCE OF COURT
BY REFUSING TO ANSWER PROPER QUESTIONS.

53 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

54 The People of the }
55 State of Illinois } Criminal. No. 29.
56 v. } February 17, 1908.
57 Richard Roe. } Before Hon. John Jones, Judge.

58 This day the court, the defendant being present in open court, finds the de-
59 fendant guilty of a contempt of court in refusing to answer proper questions
60 propounded by the court and thereupon upon consideration thereof the court
61 doth sentence the defendant to pay a fine of one hundred dollars (\$100) and
62 the costs of the action and doth order that he stand committed to the county jail
63 of Cook county until the fine and costs are paid.

Sec. 1074. ASSIGNMENT TO SHERIFF—ACTION—EXPENSES—FORMS.] When,

2 from the examination or testimony taken pursuant to the provisions of this sec-
3 tion, there is reason to believe that any other person or corporation than the
4 judgment debtor has personal property of the debtor not exempt from execution
5 or garnishment, or is indebted to such judgment debtor in a sum exceeding the
6 amount exempt by law from garnishment, but such other person or corporation
7 substantially disputes that such personal property belongs to the debtor or that
8 such other person or corporation is indebted to the judgment debtor, or when
9 it appears that such judgment debtor claims that such other person or corpora-
10 tion has personal property belonging to him, the debtor, or is indebted to him,
11 the court shall require such judgment debtor to make a proper transfer or as-
12 signment of such personal property or chose in action to the sheriff of the county
13 in which such court is held, or the court may, by its order, without any such
14 transfer or assignment, vest the equitable title to such personal property or
15 chose in action in said sheriff, and thereupon the sheriff shall, at the request of
16 the plaintiff in the judgment and at the expense of such plaintiff, prosecute, in
17 the name of the judgment debtor, for the use of such sheriff, a proper action
18 for the recovery of such personal property, or the amount of such indebtedness,
19 and, in case no property is recovered thereby, all the costs, expenses and attor-
20 ney's fees of such action shall be paid by such plaintiff, unless other property or
21 money of the judgment debtor is recovered out of which the plaintiff may be re-
22 imburSED for such costs, expenses and attorney's fees, in which case the plaintiff
23 shall be so reimbursed. In case, by means of such action, any money or other prop-
24 erty is recovered to be applied in satisfaction of the judgment, or of such judg-
25 ment and such other judgments as may be rendered against the same judgment
26 debtor, all the reasonable costs and expenses of the action, including reasonable
27 attorney's fees, to be audited by the court in which the judgment has been ren-
28 dered, shall be paid to the plaintiff out of the proceeds of the property recov-
29 ered and any balance of such proceeds remaining after the payment of the plain-

30 tiff's judgment, and of such other judgments as may be entitled to be paid there-
 31 from, shall be paid over to the judgment debtor. The following forms of orders
 32 vesting the equitable title to personal property and choses in action in the sheriff
 33 and order directing an assignment of a chose in action to the sheriff under this
 34 section shall be deemed sufficient and shall be taken as furnishing suggestions
 35 from which other orders may be properly framed:

36 1. ORDER VESTING EQUITABLE TITLE TO CHOSE IN ACTION IN SHERIFF.

37 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

38 John Doe	} Supplementary Proceeding. No. 25.
39 v.	
40 Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

41 This day the court, having jurisdiction of the subject-matter of this proceed-
 42 ing and of the person of the defendant, Richard Roe, by service of citation and
 43 the appearance of the defendant, hears the proofs in open court and thereupon,
 44 upon consideration thereof, doth order that there be and there is hereby vested
 45 in the sheriff of Cook county the equitable title to an account claimed to amount
 46 to the sum of five hundred dollars (\$500) and to be due to the defendant, Richard
 47 Roe, from one George Brown, the same to be collected by the said sheriff and
 48 applied towards the payment of the judgment set forth in the petition herein.

49 2. ORDER VESTING EQUITABLE TITLE TO PERSONAL PROPERTY IN SHERIFF.

50 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

51 John Doe	} Supplementary Proceeding. No. 25.
52 v.	
53 Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

54 This day the court, having jurisdiction of the subject-matter of this proceed-
 55 ing and of the person of the defendant, Richard Roe, by service of citation and
 56 the appearance of the defendant, hears the proofs in open court and thereupon,
 57 upon consideration thereof, doth order that there be and there is hereby vested in
 58 the sheriff of Cook county the equitable title to a bay horse with a white star in the
 59 forehead claimed to be owned by the defednant, Richard Roe, the same to be re-

covered by said sheriff and the proceeds thereof applied towards the payment of the judgment set forth in the petition herein.

3. ORDER DIRECTING ASSIGNMENT OF CHOSE IN ACTION BY DEFENDANT TO THE SHERIFF.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Supplementary Proceeding. No. 25.
v.	
Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this proceeding and of the person of the defendant, Richard Roe, by service of citation and the appearance of the defendant, hears the proofs in open court and thereupon upon consideration thereof the court doth order that the defendant Richard Roe forthwith assign to the sheriff of Cook county, to be applied by said sheriff towards the payment of the judgment set forth in the petition herein, a certain promissory note for the sum of five hundred dollars (\$500) dated December 1, 1909, made by George Brown and payable to the order of said Richard Roe one year after date with interest at six per cent per annum.

Sec. 1075. SERVICE OF CITATION TO BE NOTICE.] The service of any citation hereinbefore provided for upon any person or corporation other than the debtor shall, from the time of the service of such citation, be notice to such other person or corporation of the claim of the plaintiff in the judgment and no subsequent transfer or disposition of any personal property belonging to the debtor or payment to such judgment debtor, or to any assignee of such judgment debtor of any indebtedness from such other person or corporation to such judgment debtor, shall in any manner affect the right of such judgment creditor to have such personal property of the debtor, or such money due the judgment debtor from such other person or corporation, applied in satisfaction of the judgment.

Sec. 1076. EXPENSES WHEN PROPERTY DISCOVERED—VEXATIOUS CONDUCT—FORMS OF ORDERS.] Whenever any person or corporation, other than the judgment

debtor, shall have been served with a citation and shall have appeared for examination in obedience thereto and, in pursuance of such examination and the order of the court thereon, shall have paid over any money or delivered any personal property to the sheriff to be applied in satisfaction of the judgment, such person or corporation shall be entitled to payment, out of the money so paid over or out of the proceeds of the personal property so delivered, of his reasonable expenses for attending upon such examination, together with one dollar for each day's time occupied in such attendance, including traveling to and from the place of such examination, to be audited by the court before which such examination is held, and such other person or corporation shall likewise be entitled to payment by the judgment creditor of, and the court shall require such judgment creditor to pay to, such other person or corporation, like expenses in case it shall appear to the satisfaction of the court that such citation was sued out without probable cause and vexatiously. The following forms of orders for the payment of expenses to persons other than the judgment debtor shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders may be properly framed:

1. ORDER FOR PAYMENT TO THIRD PERSON OF EXPENSES OUT OF MONEY OR PROCEEDS OF PROPERTY DELIVERED.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Supplementary Proceeding. No. 30.
v.	
Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this proceeding and of the person of the defendant, Richard Roe, by service of citation and the appearance of the defendant, hears the proofs in open court and thereupon upon consideration thereof doth order that the sheriff of Cook county pay to George Brown out of the money paid over by said George Brown to said sheriff the sum of fifteen dollars (\$15) as the reasonable expenses of said George Brown herein.

33 2. ORDER FOR PAYMENT TO THIRD PERSON OF EXPENSES WHEN CITATION IS VEX-
34 ATIOUSLY SUED OUT.

35 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

36 John Doe }
37 v. }
38 Richard Roe. } Supplementary Proceeding. No. 30.
 February 24, 1908.
 Before Hon. John Jones, Judge.

39 This day the court, having jurisdiction of the subject-matter of this pro-
40 ceeding, hears the proofs in open court and thereupon upon consideration there-
41 of the court doth order that the plaintiff, John Doe, pay to George Brown the
42 sum of fifteen dollars (\$15) as the reasonable expenses of said George Brown
43 incurred by him because of the citation herein being sued out without probable
44 cause and vexatiously.

 Sec. 1077. COSTS OUT OF MONEY RECOVERED—FORM OF ORDER.] In case any
2 property or money is recovered to be applied in satisfaction of the judgment by
3 virtue of any proceeding authorized by this act the court may tax as costs in
4 favor of the judgment creditor a fixed sum consisting of witnesses' fees, steno-
5 grapher's fees, master's or commissioner's fees and other disbursements and
6 direct payment thereof out of any such money or property or the proceeds there-
7 of. The following form of order for the payment of expenses to a judgment cred-
8 itor shall be deemed sufficient and shall be taken as furnishing suggestions from
9 which other orders may be properly framed:

10 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

11 John Doe }
12 v. }
13 Richard Roe. } Supplementary Proceeding. No. 30.
 February 24, 1908.
 Before Hon. John Jones, Judge.

14 This day the court, having jurisdiction of the subject-matter of this pro-
15 ceeding and of the person of the defendant, Richard Roe, by service of citation
16 and the appearance of the defendant, hears the proofs in open court and there-
17 upon upon consideration thereof the court doth order that the sheriff of Cook
18 county, out of the moneys received by him herein, pay to the plaintiff the sum of
19 thirty-five dollars (\$35) as the plaintiff's costs taxed herein.

Sec. 1078. COSTS OF JUDGMENT DEBTOR—FORM OF ORDER.] Where the judgment debtor has been examined and property applicable to the payment of the judgment has not been discovered in course of the proceedings hereunder, the court may fix a sum consisting of witnesses' fees and other disbursements made by said judgment debtor, including stenographer's fees and the amount so fixed shall, in the discretion of the court, be paid by the judgment creditor to such judgment debtor and, unless paid within the time fixed by the court, an execution therefor shall issue against the judgment creditor and be served and enforced as other executions, or the payment thereof may be enforced by attachment against the judgment creditor. The following form of order for the payment of expenses to a judgment debtor shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

14	John Doe	} Supplementary Proceeding. No. 30.
15	v.	
16	Richard Roe.	

February 24, 1908.

Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this proceeding, hears the proofs in open court and thereupon upon consideration thereof of the court doth order that the plaintiff pay to the defendant, Richard Roe, the sum of twenty-five dollars (\$25) as witness' fees and other disbursements of the said defendant, Richard Roe.

Sec. 1079. DISCONTINUANCE—DISMISSAL.] A proceeding by citation instituted under this act may be discontinued at any time by the court upon the application of the judgment creditor by whom the same was instituted, upon such terms as the court may deem just and proper. When the judgment creditor unreasonably delays or neglects to proceed, or where it appears that his judgment has been satisfied, his proceeding may be dismissed by the court upon like terms upon the application of the judgment debtor, or of the plaintiff in a judgment creditor's action in equity, or of a judgment creditor who has instituted a subsequent proceeding hereunder.

Sec. 1080. INTERVENTION—FORMS.] Whenever a proceeding by citation shall

2 have been instituted and such citation served upon the judgment debtor in pursu-
 3 ance of the provisions of this act, any other judgment creditor may intervene in
 4 such proceeding by filing a petition verified by his affidavit showing the amount
 5 of his judgment, the date when, and the court by whom, rendered and the parties
 6 thereto and the amount due thereon, and thereupon such judgment creditor so
 7 intervening shall be entitled to have applied to the satisfaction of such amount
 8 as he may show to be due upon his judgment any money or property, or the pro-
 9 ceeds thereof, obtained by means of such citation over and above the amount due
 10 upon the judgment in favor of the party instituting such proceedings and the
 11 costs and expenses of such party as fixed by the court; and the court shall have
 12 power to make all orders necessary for the proper application of such moneys
 13 and proceeds, and when such judgment creditor shall have intervened as afore-
 14 said the proceedings shall not be discontinued without his consent until his judg-
 15 ment shall have been paid and satisfied. To entitle any such judgment creditor to
 16 intervene, it shall not be necessary that an execution shall have been issued upon
 17 his judgment. The following forms of petition of intervention and of order ap-
 18 plying proceeds of property to judgments of interveners shall be deemed suffi-
 19 cient and shall be taken as furnishing suggestions from which other petitions and
 20 orders may be properly framed:

21 1. PETITION OF INTERVENTION BY JUDGMENT CREDITOR.

22 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23	John Doe	} Supplementary Proceeding. No. 30.
24	v.	
25	Richard Roe.	

26 PETITION OF INTERVENTION.

27 The intervener, William Doe, says:

28 1. That on February 20, 1908, he recovered a judgment against the above
 29 named defendant, Richard Roe, in the superior court of Cook county, Illinois, in
 30 the case of William Doe v. Richard Roe, Contract, No. 32, for the sum of seven

31 hundred dollars (\$700), together with costs of the action taxed at eight dol-
 32 lars (\$8).

33 2. That there is due to the intervener from the defendant on said judgment,
 34 exclusive of interest and costs, seven hundred dollars (\$700).

35 Wherefore the intervener prays for the enforcement of his said judgment in
 36 this proceeding in the manner provided by law.

37 WILLIAM DOE,

38 By HENRY BROWN,

39 *Intervener's Attorney.*

40 William Doe on his oath says that he is the intervener in the above petition,
 41 and that the matters and things therein alleged are true in substance and in fact.

42 WILLIAM DOE.

43 Subscribed and sworn to before me this 10th day of June, 1908.

44 JOHN SMITH, *Clerk.*

45 2. ORDER APPLYING PROCEEDS TO JUDGMENTS OF INTERVENERS.

46 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

47 John Doe	} Supplementary Proceeding. No. 25.
48 v.	
49 Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

50 This day the court, having jurisdiction of the subject-matter of this proceed-
 51 ing and of the person of the defendant, Richard Roe, hears the proofs in open
 52 court and thereupon, upon consideration thereof, the court doth order that the
 53 sheriff of Cook county, Illinois, out of the moneys in his hands received under
 54 the proceeding herein and remaining after the payment of the judgment set forth
 55 in the petition of the plaintiff herein, together with all other payments hereto-
 56 fore ordered by the court to be made out of said moneys, pay to William Thomas,
 57 in satisfaction of the judgment mentioned in his intervener's petition herein, the
 58 sum of eleven hundred and fifty dollars (\$1,150) and to George Thomas, in
 59 satisfaction of the judgment mentioned in his intervener's petition herein, the

60 sum of eight hundred and seventy-five dollars (\$875) and that he pay the balance
 61 of two hundred seventy-five dollars (\$275) remaining in his hands to the de-
 62 fendant, Richard Roe.

Sec. 1081. RESTRAINING ORDER—FORMS.] The court by whom any citation or
 2 warrant is ordered to issue, or any court before whom any judgment debtor or
 3 other person is required to appear or be brought for examination, upon the peti-
 4 tion of the judgment creditor setting forth that the judgment creditor verily be-
 5 lieves, and has reason to believe, that there is danger that the judgment debtor,
 6 or any other person or corporation to be cited, may transfer or otherwise dispose
 7 of the property of the judgment debtor, or the property or debt concerning
 8 which a citation for examination has been or is about to be issued, may make
 9 an order restraining such judgment debtor, or other person or corporation, from
 10 making or suffering any transfer or other disposition of or interference with
 11 the property of the judgment debtor, or the property or debt concerning which
 12 any person or corporation is required to attend and be examined, until further
 13 direction in the premises. The court, before entering any such order against
 14 any person or corporation, other than the judgment debtor, shall require the
 15 plaintiff to execute and file in the action an injunction bond conditioned, as
 16 near as may be, as other injunction bonds, in such penalty as the court may deem
 17 reasonable and with security to be approved by the court. The following forms
 18 of petitions, orders and bond provided for in this section shall be deemed sufficient
 19 and shall be taken as furnishing suggestions from which other petitions, orders
 20 and bonds may be properly framed:

21 1. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AFTER RETURN OF EXECUTION
 22 AND FOR RESTRAINING ORDER.

23 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

24 John Doe	} Supplementary Proceeding. No. 25.
25 v.	
26 Richard Roe.	

27 PETITION FOR CITATION.

28 The plaintiff says:

ant in said circuit court in the case of Joe Doe v. Richard Roe, Contract, No. 17,
for the sum of five hundred dollars (\$500), together with costs of the action
taxed at eight dollars (\$8).

2. That on February 12, 1908, execution was duly issued on said judgment
and delivered to the sheriff of Cook county and was on May 1, 1908, duly re-
turned by said sheriff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and
costs, is five hundred dollars (\$500).

4. That the plaintiff verily believes, and has reason to believe, that there
is danger that the defendant may transfer or otherwise dispose of his property
to the injury of plaintiff unless restrained from so doing.

Wherefore plaintiff prays for a citation to said defendant, Richard Roe, re-
quiring the defendant's appearance for examination at ten o'clock, A. M., on
Tuesday, June 1, 1908, and also for a restraining order.

JOHN DOE,

By THOMAS JONES,

Plaintiff's Attorney.

(Here add affidavit verifying petition as in other cases of petitions for
citations.)

2. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AND ANOTHER INDIVIDUAL
AFTER RETURN OF EXECUTION AND FOR RESTRAINING ORDER.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

52	John Doe	} Supplementary Proceeding. No. 27.
53	v.	
54	Richard Roe.	

PETITION FOR CITATION.

The plaintiff says:

1. That on February 12, 1908, he recovered a judgment against said defend-
ant in said circuit court in the case of John Doe v. Richard Roe, Contract, No.

21, for the sum of one thousand dollars (\$1,000), together with costs of the action taxed at eight dollars (\$8).

2. That on February 14, 1908, execution was duly issued on said judgment and delivered to the sheriff of Cook county, and was on May 1, 1908, duly returned by said sheriff wholly unsatisfied.

3. That the amount due plaintiff on said judgment, exclusive of interest and costs, is one thousand dollars (\$1,000).

4. That plaintiff is informed and believes, and so charges, that one William Roe, of said county of Cook, has personal property of said Richard Roe in his possession not exempt from execution or garnishment, among which personal property is a promissory note dated January 2, 1908, for the sum of five hundred dollars (\$500), made by Samuel Jones and payable to the order of Richard Roe at Chicago, Illinois, six months after date, with interest at six per cent. per annum, and by Richard Roe indorsed, and that plaintiff verily believes, and has reason to believe, that there is danger that the said William Roe may transfer or otherwise dispose of said note to the injury of the plaintiff unless restrained from so doing.

Wherefore plaintiff prays for citations to said defendant Richard Roe and said William Roe, requiring their appearance for examination, at ten o'clock, A. M., on Tuesday, June 1, 1908, and also for a restraining order against said William Roe.

JOHN DOE,

By THOMAS JONES,

Plaintiff's Attorney.

(Here add affidavit verifying petition.)

3. ORDER RESTRAINING DEFENDANT FROM TRANSFERRING OR OTHERWISE DISPOSING OF PROPERTY.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Supplementary Proceeding. No. 25.
v.	
Richard Roe.	
	February 24, 1908.
	Before Hon. John Jones, Judge.

This day, without notice to the defendant, upon the petition of the plaintiff for a citation filed herein and the affidavit verifying the same, the court doth

91 thereupon and upon consideration thereof order that the defendant, Richard Roe,
 92 be and is hereby enjoined and restrained, until the further order of this court,
 93 from transferring or otherwise in any manner disposing of any of his property,
 94 whether real or personal.

95 4. ORDER RESTRAINING THIRD PERSON FROM TRANSFERRING OF OTHERWISE DIS-
 96 POSING OF PROPERTY.

97 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

98 John Doe	}	Supplementary Proceeding. No. 25.
99 v.		February 24, 1908.
100 Richard Roe.		Before Hon. John Jones, Judge.

101 This day, without notice to the defendant, Richard Roe, or to William Roe,
 102 upon the petition of the plaintiff for a citation filed herein and the affidavit veri-
 103 fying the same, the court, having first required the plaintiff to execute and file
 104 herein an injunction bond in the penal sum of one thousand dollars (\$1,000)
 105 with good and sufficient security to be approved by the court, and the plaintiff
 106 having filed said bond with William Smith as surety and the same having been
 107 approved by the court, doth thereupon upon consideration thereof order that
 108 said William Roe be and he is hereby restrained until the further order of this
 109 court from transferring or otherwise in any manner disposing of the promissory
 110 note mentioned in the plaintiff's said petition, dated January 2, 1908, for the sum
 111 of five hundred dollars (\$500), made by Samuel Jones and payable to the order
 112 of Richard Roe at Chicago, Illinois, six months after date with interest at six
 113 per cent. per annum and by said Richard Roe endorsed.

114 5. INJUNCTION BOND.

115 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

116 John Doe	}	Supplementary Proceeding. No. 25.
117 v.		
118 Richard Roe.		

119 INJUNCTION BOND.

120 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and Wil-
 121 liam Smith, as surety, are held and firmly bound unto William Roe, of Cook

125 Witness our hands and seals this 24th day of February, 1908.

132 JOHN DOE [SEAL.]

134 Approved February 24, 1908.

Sec. 1082. BOND BY JUDGMENT DEBTOR—FORMS.] When any judgment debtor
has been arrested and brought before the court by virtue of a warrant issued as
hereinbefore provided, and it shall appear to the satisfaction of the court from
his examination or other proof that there is danger that he will leave the state,
or conceal himself, and that he has property which he has unjustly refused to
apply to the satisfaction of the judgment, the court may make an order requiring
him to give a bond, with one or more sureties, in a sum fixed and within a time
specified in the order, conditioned that he will, from time to time, as the court
may direct, attend before the court, or before some officer appointed or to be ap-
pointed for that purpose, and that he will not, until discharged from arrest by
virtue of the warrant, dispose of any of his property which is not exempt from
execution or garnishment, and, if he fails to comply with such order, the court
shall forthwith order him committed to the county jail, there to remain until the
close of the examination or the execution of the required undertaking, excepting
that the court may direct the sheriff or other officer to produce him, from time

to time, as required in the course of the proceedings. The following forms of order for the giving of a bond, of bond, and of order committing the defendant for failing to give such bond provided for in this section, shall be deemed sufficient and shall be taken as furnishing suggestions from which other orders and bonds may be properly framed:

1. ORDER REQUIRING DEFENDANT ARRESTED UNDER WARRANT TO GIVE BOND.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Supplementary Proceeding. No. 25.
v.		April 20, 1908.
Richard Doe.		Before Hon. John Jones, Judge.

This day the court, having jurisdiction of the subject-matter of this proceeding and of the person of the defendant, Richard Roe, by his arrest under the warrant herein and his appearance, hears the proofs in open court and thereupon, upon consideration thereof, the court doth order that the said defendant, Richard Roe, within ten days from this date, execute and file herein a bond, with a surety or sureties to be approved by the court, in the penal sum of five hundred dollars (\$500), conditioned that he will, from time to time, as the court may direct, attend before the court and that he will not, until discharged from arrest by virtue of the warrant herein, dispose of any of his property which is not exempt from execution or garnishment.

2. BOND OF DEFENDANT FOR ATTENDANCE BEFORE COURT.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	}	Supplementary Proceeding. No. 25.
v.		
Richard Roe		

BOND FOR ATTENDANCE.

KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and Henry Roe, as surety, are held and firmly bound unto the People of the State of Illinois, in the penal sum of five hundred dollars (\$500), for the payment of

45 which well and truly to be made we bind ourselves, our heirs, executors, admin-
 46 istrators and assigns, jointly and severally, firmly by these presents.

47 Witness our hands and seals this 20th day of April, 1908.

48 The condition of this obligation is such that whereas on the 20th day of
 49 April, 1908, the circuit court of Cook county, Illinois, in a certain supplementary
 50 proceeding therein pending under a certain judgment rendered by said court
 51 against said Richard Roe on the 10th day of February, 1908, for the sum of five
 52 hundred dollars (\$500) and costs of the action, in favor of John Doe, did enter
 53 an order requiring said Richard Roe to give a bond to attend before the court,
 54 from time to time, as the court might direct, and otherwise conditioned as pro-
 55 vided by law:

56 Now, therefore, if the said Richard Roe shall, from time to time, attend be-
 57 fore the circuit court of Cook county, Illinois, as the court may direct and shall
 58 not, until discharged from arrest by virtue of the warrant issued in such pro-
 59 ceeding, dispose of any of his property which is not exempt from execution or
 60 garnishment, then this obligation is to be void; otherwise the same is to be and re-
 61 main in full force and effect.

62 RICHARD ROE [SEAL.]

63 HENRY ROE [SEAL.]

64 Approved April 20, 1908.

65 JOHN JONES, *Judge*.

66 3. ORDER COMMITTING JUDGMENT DEBTOR TO COUNTY JAIL FOR FAILURE TO GIVE
 67 BOND.

68 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

69 John Doe } Supplementary Proceeding. No. 25.
 70 v. } April 21, 1908.
 71 Richard Roe. } Before Hon. John Jones, Judge.

72 This day the court, having jurisdiction of the subject-matter of this proceed-
 73 ing and of the person of the defendant, Richard Roe, by his arrest under the war-

74 rant herein and his appearance, doth order that said defendant, Richard Roe, be
 75 and he is hereby committed to the county jail of Cook county until, unless
 76 otherwise discharged according to law, he shall execute and file herein a bond
 77 with a surety or sureties to be approved by the court in the penal sum of five
 78 hundred dollars (\$500) conditioned that he will, from time to time, as the court
 79 may direct, attend before the court and that he will not, until discharged from
 80 arrest by virtue of the warrant herein, dispose of any of his property which is
 81 not exempt from execution or garnishment.

Sec. 1083. **SPEEDY HEARING TO JUDGMENT DEBTOR COMMITTED TO JAIL.]** Any
 2 judgment debtor committed to jail in pursuance of the provisions of the preced-
 3 ing section shall be entitled to an immediate hearing and examination, and to that
 4 end such hearing shall take precedence over all other business of the court which
 5 does not involve the liberty of any person, and, unless such hearing and examina-
 6 tion is entered upon within three days after such commitment, the judg-
 7 ment debtor shall be entitled to a discharge from his imprisonment upon enter-
 8 ing into a recognizance, without security, in such sum as may be fixed by the
 9 court, conditioned, as near as may be, like the bond hereinbefore provided for.

Sec. 1084. **REFERENCE TO MASTER—FORM.]** The court may, in its discretion,
 2 in any supplementary proceeding make an order directing that an examination
 3 be had before a master in chancery, special commissioner or referee designated
 4 in the order, and that the master, special commissioner or referee, at the request
 5 of either party, report the evidence, either with or without his conclusions
 6 thereon, and may order the issuance of a citation for the attendance of the judg-
 7 ment debtor or any other person before the master for examination. The following
 8 form of citation shall be deemed sufficient and shall be taken as furnishing sug-
 9 gestions from which other citations may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

11 John Doe
 12 v.
 13 Richard Roe. } Supplementary Proceeding. No. 25.

CITATION.

15 The People of the State of Illinois—GREETING to Richard Roe:

16 We hereby command you to personally be and appear before Henry Thomp-
 17 son, Esq., master in chancery of the circuit court of Cook county, Illinois, at his
 18 office, Room 607, No. 100 Washington Street, Chicago, Illinois, at ten o'clock A.
 19 M., on the first day of June, 1908, to be examined under oath concerning your
 20 property in a certain supplementary proceeding pending in said circuit court un-
 21 der a certain judgment rendered by said court against you on the 10th day of
 22 February, 1908, for the sum of five hundred dollars (\$500) and costs of the
 23 action in favor of John Doe.

24 Witness John Smith, clerk of said circuit court and the seal thereof, at
 25 Chicago, Illinois, this 25th day of May, 1908. JOHN SMITH, *Clerk*.

Sec. 1085. SERVICE OF ORDER.] Any order made in a supplementary proceed-
 2 ing may be served by delivering a certified or sworn copy thereof to the person
 3 to be served and the same may be served by any officer or person authorized by
 4 this act to serve a summons.

Sec. 1086. COURT MAY DESIGNATE DAYS FOR EXAMINATIONS.] Each court of rec-
 2 ord may, by rule, designate one or more days or parts of days of each week for
 3 the examination of judgment debtors in supplementary proceedings, and when
 4 such designation is so made the citation herein provided for shall require the
 5 appearance of the persons cited on the days so designated.

Sec. 1087. OTHER PROCEEDINGS TO BE REGULATED BY RULES.] All other pro-
 2 ceedings pertaining to citations and examinations of judgment debtors shall be
 3 regulated by such rules as may be adopted by the supreme court, and the su-
 4 preme court shall have power to adopt all further rules and regulations, not in-

5 consistent with the provisions of this act or otherwise inconsistent with law,
 6 which the court may deem necessary to carry into effect the intention of this
 7 act, which is to enable the judgment creditor to collect the amount of his judg-
 8 ment out of any personal property of the debtor not exempt from execution or
 9 garnishment, or out of any moneys due to the judgment debtor exceeding the
 10 amount exempt by law from garnishment, or out of any property which the judg-
 11 ment debtor may have conveyed, transferred or otherwise made disposition of
 12 with the intent to disturb, delay, hinder or defraud his creditors, and to cause
 13 such property to be applied in satisfaction of such judgment.

Sec. 1088. JUDGMENTS OF JUSTICES OF THE PEACE—FORMS OF PETITION AND CITATION.] Any judgment rendered by any justice of the peace, when the amount due thereon, exclusive of interest and costs, exceeds twenty-five dollars (\$25), and when an execution has been issued thereon and returned unsatisfied, may, at any time within seven years after the rendition thereof, be enforced by supplementary proceedings in any court of record of original jurisdiction, other than a probate court, by the filing of a petition for a citation in such court of record accompanied by a duly certified transcript of such judgment. Upon the filing of such petition the same proceedings may be had, as near as may be, as are hereinbefore provided for with respect to proceedings for the enforcement of judgments of courts of record. The following forms of petition and citation under this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions and citations may be properly framed:

1. PETITION FOR CITATION OF INDIVIDUAL DEBTOR AFTER RETURN OF EXECUTION BEFORE JUSTICE OF THE PEACE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

17	John Doe	} Supplementary Proceeding. No. 21.
18	v.	
19	Richard Roe.	

PETITION FOR CITATION.

The plaintiff says:

1. That on October 5, 1907, he recovered a judgment against said defend-

23 ant before Henry Brown, Esq., a justice of the peace of said county of Cook, in
 24 the case of John Doe v. Richard Roe, Action for Money, No. 60, for the sum of
 25 one hundred dollars (\$100), together with costs of the action taxed at three
 26 dollars (\$3).

27 2. That on October 25, 1907, execution was duly issued by said justice of
 28 the peace on said judgment and delivered to George Brown, a constable of said
 29 county, who, on December 20, 1907, duly returned the same wholly unsatisfied.

30 3. That the amount due plaintiff on said judgment, exclusive of interest and
 31 costs, is one hundred dollars (\$100).

32 4. That a certified transcript of said judgment is herewith filed.

33 Wherefore plaintiff prays for a citation to said defendant, Richard Roe, re-
 34 quiring the defendant's appearance for examination at ten o'clock, A. M., on
 35 Tuesday, February 12, 1908.

36 JOHN DOE,

37 By THOMAS JONES,

38 *Plaintiff's Attorney.*

39 John Doe on his oath says that he is the plaintiff in the above petition, and
 40 that the matters and things therein alleged are true in substance and in fact.

41 JOHN DOE.

42 Subscribed and sworn to before me this first day of February, 1908.

43 JOHN SMITH, *Clerk.*

44 2. CITATION UPON PETITION TO ENFORCE JUDGMENT OF JUSTICE OF THE PEACE.

45 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

46 John Doe
 47 v.
 48 Richard Roe. } Supplementary Proceeding. No. 21.

49 CITATION.

50 The People of the State of Illinois—GREETING to Richard Roe:

51 We hereby command you to personally be and appear before the circuit
 52 court of Cook county, Illinois, at the county court-house in Chicago in said

53 county at ten o'clock, A. M., on Thursday, February 12, 1908, to be examined un-
54 der oath concerning your property in a certain supplementary proceeding
55 therein pending under a certain judgment rendered by Henry Brown, Esq., a
56 justice of the peace of said county of Cook, against you on October 5, 1907, for
57 the sum of one hundred dollars (\$100) and costs of the action in favor of John
58 Doe.

59 Witness John Smith, clerk of said circuit court and the seal thereof, at
60 Chicago, Illinois, this first day of February, 1908.

Sec. 1089. CREDITORS' BILLS.] Whenever an execution shall have been issued
2 against the property of a defendant on a judgment at law or a decree in equity
3 and shall have been returned unsatisfied, in whole or in part, the party suing
4 out such execution, in lieu of proceeding by citation as hereinbefore provided,
5 may file a bill of complaint in equity against such defendant and any other per-
6 son or persons to compel the discovery of any property, money or things in action
7 due to him or held in trust for him, and to prevent the transfer of any such prop-
8 erty, money or things in action, or the payment or delivery thereof to the de-
9 fendant, except when such trust has in good faith been created by or the fund so
10 held in trust has proceeded from some person other than the defendant himself.
11 The court shall have power to compel such discovery and to prevent such trans-
12 fer, payment or delivery, and to decree satisfaction of the sum remaining due on
13 such judgment out of any personal property, money or thing in action belonging
14 to the defendant or held in trust for him, with the exception above stated, which
15 shall be discovered by the proceedings in equity, whether the same were originally
16 liable to be taken in execution at law or not: *Provided, however,* that no answer
17 made to any bill filed under this section shall be read in evidence against the de-
18 fendant on the trial of any indictment or information for fraud charged in the bill.
19 This section shall not, however, be construed to authorize any lien upon or sale
20 of those articles in possession of the defendant which are exempt from execution

21 by law and not released or waived by the party entitled to such exemption, nor
22 to authorize the application to the payment of the plaintiff's judgment of any
23 money or property exempt by law from garnishment. Any bill of complaint in
24 equity hereunder shall be sufficient if it sets forth the recovery of the plaintiff's
25 judgment, including the date thereof, the court in which rendered and the names
26 of the parties thereto and the issuance of an execution thereon and the return
27 of the same unsatisfied in whole or in part, and is filed within seven years after
28 the rendition of such judgment and sets forth that the plaintiff claims from the
29 defendants in such bill of complaint discovery of all property, money or things
30 in action within their possession, knowledge or control or within the possession,
31 knowledge or control of either of them, which in equity ought to be applied to the
32 satisfaction of the judgment, and if the bill shall be verified by the oath of the
33 plaintiff, his agent or attorney, that the same is true in substance and in fact.
34 Every answer to any such bill shall be under the oath of the defendants, but the
35 same shall not be evidence in their favor and notwithstanding any defendant shall,
36 in his answer, deny that he has possession, knowledge or control of any property,
37 money or thing in action which ought in equity to be applied in satisfaction of the
38 judgment, the court may proceed to hear the evidence and to render such decree
39 as the law and evidence may require. The plaintiff shall also be at liberty, in any
40 such bill, to set forth and describe any specific property, which he may seek to
41 have applied in satisfaction of his judgment, and may claim relief with respect
42 to any conveyance thereof or other transaction with respect thereto.

House Bill No. 5

PART TWO

OF

A BILL

FOR AN ACT

IN RELATION TO COURTS

DIVISION LII.

ADMINISTRATION OF ESTATES.

SECTION

- 1090. Who may devise property.
- 1091. Will to be in writing and signed—witnesses—probate.
- 1092. Witness to appear for probate — penalty.
- 1093. Petition to be filed—notice to be given.
- 1094. Forms of petition.
- 1095. Non-resident witness—dedimus potestatem.
- 1096. County or probate judge witness.
- 1097. Proof of handwriting of deceased witness—secondary evidence.
- 1098. Will contested.
- 1099. Devise, etc., to witness void.
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- 1101. Foreign wills admitted to probate.
- 1102. Place of probate.
- 1103. Custodian of will to deliver—penalty.
- 1104. Evidence in case of appeal.
- 1105. Appeal—how taken—notice—deposit—trial de novo.
- 1106. Nuncupative will.
- 1107. Procedure for probate of nuncupative will—petition—notice to heirs and legal representatives.
- 1108. Manner of revoking will.
- 1109. Wills to remain with clerk—copies evidence.
- 1110. Debtor as executor.
- 1111. Creditor as witness.
- 1112. Certificate of administration upon probate of will.
- 1113. Duty of person named as executor—penalty.
- 1114. When minor or married woman executor.
- 1115. Power of executor before probate—waste, etc.
- 1116. Death, etc., of part of executors.
- 1117. Bond of executor—form.

SECTION

- 1118. When security not required.
- 1119. Executor, etc., becoming resident of another county.
- 1120. Form of certificate of administration issued to executor.
- 1121. Certificate competent evidence — clerk may issue several certificates.
- 1122. When administrator to collect appointed—forms.
- 1123. Form of certificate of administration to collect.
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- 1125. Powers—commission.
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- 1127. When powers cease—penalty.
- 1128. Who to be appointed administrator—death to be proved.
- 1129. When certificate may be granted to other than husband, etc.
- 1130. Affidavit of death, etc.—forms of petition.
- 1131. Form of certificate of administration.
- 1132. Forms of other certificates of administration.
- 1133. Bond of administrator.
- 1134. Additional bond for sale of real estate.
- 1135. Joint or several bonds.
- 1136. Action on bond.
- 1137. Revocation of certificate of administration.
- 1138. Proceedings when executor, etc., removed.
- 1139. Requiring other security.
- 1140. Counter or other security.
- 1141. New bond—form.
- 1142. Release of surety.
- 1143. Failure of executor, etc., to comply or settle—successor.
- 1144. Death of sole executor.
- 1145. Revocation of certificate—death or disqualification of executor or administrator, etc.

ADMINISTRATION OF ESTATES—CONTINUED.

SECTION

- 1146. Bond of former executor, etc.—liability.
- 1147. Resignation—settlement.
- 1148. Powers of foreign executors and administrators in this state.
- 1149. Exception when certificate granted in this state.
- 1150. Governor to appoint public administrator—term of office—duties.
- 1151. Public administrators in office January 1, 1912, to hold until successors appointed, etc.
- 1152. Salaries of public administrators—how fixed.
- 1153. Oath.
- 1154. Bond—additional security—neglect—removal.
- 1155. Public administrator may appoint assistants when—salaries of assistants—bond, etc.
- 1156. Suitable rooms, stationery, etc., for public administrator.
- 1157. Compensation other than salary forbidden.
- 1158. Expenses of public administrator—how paid.
- 1159. Depositories for moneys of public administrator.
- 1160. Fees and allowances of public administrator.
- 1161. How receipts of public administrator on account of fees and allowances disposed of.
- 1162. Certificate of public administrator revoked in favor of person entitled to preference when.
- 1163. Disposition of unclaimed estate.
- 1164. When public administrator to protect estate.
- 1165. Inventory.
- 1166. Supplementary inventory.
- 1167. Court to examine inventory.
- 1168. Inventories as evidence.
- 1169. Liabilities of executors, etc.
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SECTION

- 1171. Notice of adjustment of claims.
- 1172. Form of claim.
- 1173. Forms of claims in actions at law sufficient.
- 1174. Claims to be in quadruplicate.
- 1175. Trial by court unless jury demanded, etc.
- 1176. Trial in circuit court when jury demanded.
- 1177. Oath of claimant may be required.
- 1178. Evidence.
- 1179. Demand against claimant.
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- 1181. Demands classified—limitations.
- 1182. Manner of payment.
- 1183. Demand of executor, etc.
- 1184. Entries—classing—payment before allowance.
- 1185. When claims must be exhibited.
- 1186. Enforcement of claim exhibited after lapse of one year but before distribution, etc.
- 1187. Enforcement of claim exhibited after lapse of one year and after distribution, etc.
- 1188. How payment of claim established by bill in equity enforced.
- 1189. What property subject to such claims.
- 1190. Purchaser from heir, devisee or legatee to take title free from lien, etc.
- 1191. Widow's or children's award.
- 1192. Right to award not affected by renunciation, etc.
- 1193. Allowance to children.
- 1194. Equalizing legacies, etc., on renunciation.
- 1195. Who are liable for waste.
- 1196. Concealed, etc., goods, etc.—disclosure, etc.
- 1197. Refusal to answer, etc.—commitment.
- 1198. Desperate claims.
- 1199. Avails of desperate claims.

ADMINISTRATION OF ESTATES—CONCLUDED.

SECTION

- 1200. Court may order certain claims compounded.
- 1201. Removal of property by executor, etc.—penalty.
- 1202. Court may order executor to deliver property, etc.
- 1203. Duty of surviving partner.
- 1204. Return of inventory, etc.
- 1205. Rights of surviving partner—account.
- 1206. Waste—citation—security—costs.
- 1207. Public sale—notice—private sale.
- 1208. Distribution in kind.
- 1209. Growing crops.
- 1210. Clerk—crier.
- 1211. Bill of sales—return.
- 1212. Sale of real estate pursuant to will—surviving executor.
- 1213. Sale of real estate to pay debts.
- 1214. How proceeding commenced—bill—parties.
- 1215. Requisites of bill—form.
- 1216. Subsequent procedure to be same as in equity.
- 1217. Power of court as to mortgages, liens, priorities, conflicting titles, etc.
- 1218. Hearing—decree of sale—overplus.
- 1219. Sales to be made by executor or administrator—conveyances.
- 1220. Notice—penalty—return—confirmation.
- 1221. Proceeds of sale.
- 1222. Sale of land not fully paid for—completing purchase.
- 1223. Settlements enforced—contempts—interest on assets.
- 1224. Failure to pay over.

SECTION

- 1225. Annual and final settlements—notice to heirs.
- 1226. Distribution.
- 1227. Payment of legacies.
- 1228. Bond from legatees, etc.
- 1229. Refunding by legatees, etc.
- 1230. Actions between executors, etc.
- 1231. Jurisdiction over administration of estates to include administration of testamentary trusts, etc.
- 1232. Jurisdiction of actions for construction of wills.
- 1233. When and how mortgage and lease of real estate by executors made.
- 1234. Foreclosures.
- 1235. No strict foreclosure.
- 1236. What actions survive.
- 1237. When executor, etc., appeals, etc.—bond.
- 1238. Mistakes, etc.
- 1239. Contracts of decedents.
- 1240. Books of account.
- 1241. Insolvent estate.
- 1242. Sale to pay debts—coerced.
- 1243. Power of court.
- 1244. Sheriff's duties—fees.
- 1245. Compensation of executors, etc.
- 1246. Act construed.
- 1247. Unclaimed money to be deposited.
- 1248. How obtained after deposited.
- 1249. Testamentary trustee—compensation of.
- 1250. Payment of taxes by executor or administrator.
- 1251. Blank forms to be prepared.

Sec. 1090. WHO MAY DEVISE PROPERTY.] Every male person of the age of twenty-one years, and every female of the age of eighteen years, being of sound mind and memory, shall have power to devise all the estate, right, title and interest, in possession, reversion or remainder, which he or she hath, or at the time of his or

5 her death shall have, of, in and to any lands, tenements, hereditaments, annuities
 6 or rents, charged upon or issuing out of them, or goods and chattels, and personal
 7 estate of every description whatsoever, by will or testament.

Sec. 1091. WILL TO BE IN WRITING AND SIGNED—WITNESSES—PROBATE.] All wills,
 2 testaments and codicils, by which any lands, tenements, hereditaments, annuities,
 3 rents or goods and chattels are devised, shall be reduced to writing, and signed
 4 by the testator or testatrix, or by some person in his or her presence, and by his
 5 or her direction, and attested in the presence of the testator or testatrix, by two
 6 or more credible witnesses, two of whom, declaring on oath or affirmation, before
 7 the county court or probate court of the proper county, that they were present
 8 and saw the testator or testatrix sign said will, testament or codicil, in their pres-
 9 ence, or acknowledged the same to be his or her act and deed, and that they be-
 10 lieved the testator or testatrix to be of sound mind and memory at the time of
 11 signing or acknowledging the same, shall be sufficient proof of the execution of
 12 said will, testament or codicil, to admit the same to record: *Provided*, that no
 13 proof of fraud, compulsion or other improper conduct be exhibited, which, in the
 14 opinion of said county court or probate court, shall be deemed sufficient to invali-
 15 date or destroy the same; and every will, testament or codicil, when thus proven
 16 to the satisfaction of the court, shall, together with the probate thereof, be re-
 17 corded by the clerk of said court, in a book to be provided by him for that pur-
 18 pose, and shall be good and available in law for the granting, conveying and as-
 19 suring the lands, tenements and hereditaments, annuities, rents, goods and chat-
 20 tels therein and thereby devised, granted and bequeathed.

Sec. 1092. WITNESS TO APPEAR FOR PROBATE—PENALTY.] It shall be the duty of
 2 each and every witness to any will, testament or codicil, made and executed in
 3 this state, as aforesaid, to be and appear before the county court or probate court
 4 on the day fixed for the probate of such will, testament or codicil, to testify of
 5 and concerning the execution and validity of the same; and the said court shall

6 have power and authority to attach and punish, by fine and imprisonment, or
 7 either, any witness who shall, without a reasonable excuse, fail to appear when
 8 duly summoned for the purpose aforesaid: *Provided*, the said punishment by
 9 imprisonment shall in no case exceed the space of twenty days; nor shall a greater
 10 fine be assessed, for any such default, than the sum of fifty dollars (\$50).

Sec. 1093. PETITION TO BE FILED—NOTICE TO BE GIVEN.] Before any will shall
 2 be admitted to probate the person desiring to have the same probated shall file a
 3 petition in the county court or probate court of the proper county asking that said
 4 will be admitted to probate, which petition shall state the time and place of the
 5 death of the testator and the place of his residence at the time of his death, also
 6 the names of all of the heirs-at-law and the legatees, with the place of residence
 7 of each, when known, and when unknown the petition shall so state, and the said
 8 petition shall be verified by the affidavit of the petitioner. And thereupon the
 9 clerk of said court shall send by mail to each of said parties a copy of said peti-
 10 tion within five days after the filing thereof, and not less than twenty days prior
 11 to the hearing on said petition. Copies of said petition, including the copies of
 12 the last will and testatment annexed thereto, together with properly addressed
 13 and stamped envelopes for mailing the same to the heirs at law and legatees as
 14 aforesaid, shall be furnished to the clerk by the party applying for the probate
 15 of such last will and testament. And in case the post-office address of any of said
 16 parties is not shown by the said petition, then publication shall be made for at
 17 least three weeks before the day set for the hearing in a newspaper of general
 18 circulation published in the county where said will is to be offered for probate,
 19 which notice shall contain the names of the testator, the heirs-at-law and legatees,
 20 when known, and the time and place where said will is to be offered for probate:
 21 *Provided*, that in case such a petition is not filed and a will has been deposited in
 22 said court for the space of ten (10) days, then it shall be the duty of the court to
 23 proceed to probate said will without petition being filed, but only after having

caused such publication and notice of the intention to probate said will to be given to the parties in interest as to the court may seem proper. The mailing of such copy of the petition, including the copy of the last will and testament, need not be made to any heir-at-law, legatee or other person in interest, who shall file with the clerk of the court his waiver of such notice and his appearance in writing in such proceeding, which waiver and appearance may be in substantially the following form:

IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

In the matter of the	}	Administration. No. 250.
estate of Richard		
Roe, deceased.		

WAIVER OF NOTICE AND APPEARANCE.

The undersigned, an heir at law of Richard Roe, deceased, hereby waives notice of the proceeding for the probate of the last will and testament of Richard Roe, deceased, and enters his appearance in said action.

HENRY ROE.

Sec. 1094. FORMS OF PETITION.] The following forms of petition provided for in the preceding section shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions may be properly framed:

1. PETITION BY EXECUTOR FOR PROBATE OF WILL.

IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

In the matter of the estate of	}	Administration. No. 250.
Richard Roe, deceased.		

PETITION FOR PROBATE OF WILL.

The petitioner, John Doe, says:

1. Richard Roe died January 15, 1908, in Cook county, Illinois, leaving a last will and testament, a copy of which is hereto annexed.

2. Said Richard Roe, at the time of his death, was a resident of Cook county, Illinois.

14 3. The heirs at law of said Richard Roe, their relationship to him and their
 15 post-office addresses, so far as the same are known to the petitioner, are as fol-
 16 lows:

- 17 Jane Roe, widow, 1228 Michigan Avenue, Chicago, Illinois.
- 18 Henry Roe, son, 215 Jefferson Street, Indianapolis, Indiana.
- 19 William Roe, grandson, 117 Adams Street, Columbus, Ohio.
- 20 John Roe, grandson, post-office address unknown.

21 4. The legatees and devisees mentioned in said last will and testament other
 22 than said heirs at law and their post-office addresses, so far as the same are
 23 known to the petitioner, are as follows:

- 24 John Smith, 246 5th Avenue, New York, N. Y.
- 25 Henry Jones, 1407 Chestnut Street, Philadelphia, Pa.

26 5. Said Richard Roe left property of the following value:

27	<i>a</i> —Personal estate	\$15,000
28	<i>b</i> —Real estate	94,000

29	Total.....	\$109,000

30 6. The petitioner, who was named in said will as executor, resides at 5785
 31 Woodlawn Avenue, Chicago, Illinois, and is ready and willing to accept the trust.

32 Wherefore petitioner prays:

- 33 *First*—For the probate of the will.
- 34 *Second*—For the issuance of a certificate of administration.

35 JOHN DOE.

36 John Doe on his oath says that the foregoing petition by him subscribed is
 37 true. JOHN DOE.

38 Subscribed and sworn to before me this 10th day of August, 1908.

39 SAMUEL JONES, *Clerk*.

40 2. PETITION FOR PROBATE OF WILL WHEN NO EXECUTOR IS NAMED.

41 (The form of petition in such case may be the same as the foregoing form ex-
 42 cepting that paragraph 6 and the prayer thereof may read as follows:)

43 6. The testator has named no person to execute said last will and testament.

44 Wherefore petitioner prays:

45 *First*—For the probate of the will.

46 *Second*—For the appointment of an administrator with the will annexed and
47 the issuance of a certificate of administration.

48 3. PETITION FOR PROBATE OF WILL WHEN EXECUTOR NAMED THEREIN DECLINES, IS
49 DEAD OR DISQUALIFIED.

50 (The form of petition in such case may be the same as the foregoing form ex-
51 cepting that paragraph 6 thereof may read as follows:)

52 6. William Doe, the executor named in said last will and testament, has de-
53 clined to act (or is dead, or, is disqualified to act, as the case may be).

Sec. 1095. NON-RESIDENT WITNESS—DEDIMUS POTESTATEM.] When any will, tes-
2 tament or codicil shall be produced to the county or probate court for probate of
3 the same, and any witness attesting such will, testament or codicil shall reside
4 without the limits of this state, or the county in which such will, testament or
5 codicil is produced for probate, or shall be unable to attend said court, it shall be
6 lawful for such county or probate court, upon the application of any person ask-
7 ing for probate thereof, and upon such notice to persons interested as such county
8 or probate court may, by special order, direct, to issue a dedimus potestatem, or
9 commission, under the seal of the court annexed to such will, testament or codicil,
10 together with such interrogatories in chief and cross interrogatories as may be
11 filed in said court, or as said court may direct to be propounded to such witness
12 or witnesses, touching the execution of such will, testament or codicil, which com-
13 mission shall be directed to any judge, master in chancery, notary public, justice
14 of the peace, mayor or other chief magistrate of a city, United States consul or
15 vice-consul, consular agent or secretary of legation, authorizing and requiring
16 him to cause such witness or witnesses to come before him at such time and place
17 as he may designate and appoint, and faithfully to take his, her or their deposi-

18 tions on oath or affirmation, upon all such interrogatories as may be enclosed
 19 with, or attached to, such commission, and none other, and certify the same when
 20 thus taken, together with the said commission and interrogatories, into the court
 21 out of which such commission issued, with the least possible delay. When so taken
 22 and returned unto the court such deposition or depositions shall have the same
 23 operation, force and effect, and such will, testament or codicil shall be admitted
 24 to probate in like manner, as if such oath or affirmation had been made in the
 25 court from whence such commission issued. Whenever a commission shall issue
 26 to any officer above mentioned, not by name but simply by his official title, then
 27 the seal of his office, attached to his certificate shall be sufficient evidence of his
 28 identity and official character.

Sec. 1096. COUNTY OR PROBATE JUDGE WITNESS.] In all cases where a county
 2 judge, probate judge, or such other person as may be authorized by law to grant
 3 probate of wills and testaments, may and shall have become a witness to any will
 4 or testament which is required by law to be proved before him as such county
 5 judge, probate judge, or person authorized to grant probate, as aforesaid, and the
 6 testimony of such witness is necessary to the proof of the same, then, and in such
 7 case, it shall be his duty to go before the circuit court of the county in which such
 8 will is to be admitted to record, and make proof of the execution of the same, in
 9 the same manner that probate of wills is required to be made in other cases. And
 10 it shall be the duty of the clerk of the circuit court aforesaid, forthwith to certify
 11 such will proven as aforesaid, to the county court or probate court of the county;
 12 and said will shall, thereupon, have the same force and effect that it would have
 13 had if it had been proven by one credible witness before the county court or pro-
 14 bate court; and if there are other witnesses to said will, the county court or pro-
 15 bate court shall take their evidence in support of said will, as in other cases.

Sec. 1097. PROOF OF HANDWRITING OF DECEASED WITNESS—SECONDARY EVIDENCE.]

2 In all cases where any one or more of the witnesses to any will, testament or cod-

3 icil, as aforesaid, shall die, be insane, or remove to parts unknown to the parties
 4 concerned, so that his or her testimony can not be procured, it shall be lawful for
 5 the court having jurisdiction of the subject-matter, to admit proof of the hand-
 6 writing of any such deceased, insane or absent witness, as aforesaid, and such
 7 other secondary evidence as is admissible in courts of justice, to establish written
 8 contracts generally in similar cases; and may thereupon proceed to record the
 9 same, as though such will, testament, or codicil had been proved by such subscrib-
 10 ing witnesses, in his, her or their proper persons.

Sec. 1098. WILL CONTESTED.] When any will, testament, or codicil shall be ex-
 2 hibited in the county court or probate court for probate thereof, as aforesaid, it
 3 shall be the duty of the court to receive the probate of the same without unneces-
 4 sary delay, and to do all needful acts to enable the parties concerned to make set-
 5 tlement of the estate at as early a day as shall be consistent with the rights of
 6 the respective persons interested therein: *Provided, however,* that if any person
 7 interested shall, within one (1) year after the probate of any such will, testament
 8 or codicil in the county court or probate court as aforesaid, appear and by his or
 9 her bill in equity contest the validity of the same, an issue at law shall be made up
 10 whether the writing produced be the will of the testator or testatrix or not,
 11 which shall be tried by a jury in the circuit court of the county wherein such will,
 12 testament or codicil shall have been proven and recorded as aforesaid, according
 13 to the practice in courts of equity in similar cases; but if no such person shall ap-
 14 pear within the time aforesaid, the probate shall be forever binding and conclu-
 15 sive on all of the parties concerned, saving to infants or non compotes mentis the
 16 like period after the removal of their respective disabilities. And in all such trials
 17 by jury as aforesaid, the certificate of the oath of the witnesses at the time of
 18 the first probate, shall be admitted as evidence and shall have such weight as
 19 the jury shall think it may deserve.

Sec. 1099. **DEVISE, ETC., TO WITNESS VOID.**] If any beneficial devise, legacy or

2 interest shall be made or given, in any will, testament or codicil, to any person
 3 subscribing such will, testament or codicil, as a witness to the execution thereof,
 4 such devise, legacy or interest shall, as to such subscribing witness, and all per-
 5 sons claiming under him, be null and void, unless such will, testament or codicil
 6 be otherwise duly attested by a sufficient number of witnesses exclusive of such
 7 person, according to this act; and he or she shall be compellable to appear and
 8 give testimony on the residue of such will, testament or codicil, in like manner as
 9 if no such devise or bequest had been made. But if such witness would have been
 10 entitled to any share of the testator's estate, in case the will, testament or codicil
 11 was not established, then so much of such share shall be saved to such witness as
 12 shall not exceed the value of the said devise or bequest made to him or her as
 13 aforesaid.

Sec. 1100. **WILLS PROVEN WITHOUT THE STATE, EFFECT OF.]** All wills, testaments

2 and codicils, or authenticated copies thereof, proven according to the laws of any
 3 of the United States, or the territories thereof, or of any country out of the limits
 4 of the United States, and touching or concerning estates within this state, accom-
 5 panied with a certificate of the proper officer or officers that said will, testament,
 6 codicil or copy thereof was duly executed and proved, agreeably to the laws and
 7 usages of that state or country in which the same was executed, shall be recorded
 8 as aforesaid, and shall be good and available in law, in like manner as wills made
 9 and executed in this state.

Sec. 1101. **FOREIGN WILLS ADMITTED TO PROBATE.]** All wills, testaments and

2 codicils, which heretofore have been or shall hereafter be made, executed and
 3 published out of this State, may be admitted to probate in any county in this
 4 State in which the testator may have been seized of lands, or other real estate,
 5 or in which his personal estate or part thereof shall lie, at the time of his death,
 6 in the same manner, and upon like proof, as if the same had been made, executed

7 and published in this State, whether such will, testament or codicil, has first
8 been probated in the state, territory or country in which it was made and de-
9 clared or not. And all original wills, or copies thereof, duly certified accord-
10 ing to law, or exemplifications from records in pursuance of the law of Congress
11 in relation to records in foreign states, may be recorded as aforesaid, and shall
12 be good and available in law, the same as wills proved in such county court or
13 probate court. For the purpose of granting administration of both testate and
14 intestate estates, the situs of specialty debts shall be where the instrument hap-
15 pens to be, and of simple contract debts and other choses in action, where the
16 debtor resides.

Sec. 1102. PLACE OF PROBATE.] If any testator or testatrix shall have a
2 mansion house or known place of residence, his or her will shall be proved in the
3 court of the county wherein such mansion house or place of residence shall be.
4 If he or she has no place of residence, and lands be devised in his or her will, it
5 shall be proved in the court of the county wherein the lands lie, or in one of them,
6 where there shall be land in several different counties; and if he or she have no
7 such known place of residence, and there be no lands devised in such will, the
8 same may be proved either in the county where the testator or testatrix shall have
9 died, or that wherein his or her estate, or the greater part thereof, shall lie.

Sec. 1103. CUSTODIAN OF WILL TO DELIVER—PENALTY.] Any person or per-
2 sons who may have in his or her possession any last will or testament of another,
3 for safe keeping or otherwise, shall, immediately upon the death of the testator
4 or testatrix, deliver up said will to the county court or probate court of the
5 proper county; and upon a failure or refusal so to do, the court may issue an
6 attachment, and compel the production of the same; and the person or persons
7 thus withholding any such will, testament or codicil, as aforesaid, shall forfeit and
8 pay twenty dollars (\$20) per month, from the time the same shall be thus wrong-
9 fully withheld, to be recovered by action of debt for the use of the estate, by any

10 person who will sue for the same, in any court having jurisdiction thereof; and if
 11 any person to whom a will, testament or codicil hath been or shall be delivered by
 12 the party making it, for safe custody as aforesaid, shall alter or destroy the same
 13 without the direction of the said party, or shall wilfully secrete it for the space
 14 of six months after the death of the testator or testatrix shall be known to him
 15 or her, the person so offending shall, on conviction thereof, be sentenced to such
 16 punishment as is or shall be inflicted by law, in cases of larceny.

Sec. 1104. EVIDENCE IN CASE OF APPEAL.] When the probate of any will and
 2 testament shall have been allowed or refused by any county court or probate
 3 court, and an appeal shall have been taken from the order or decision of such
 4 court allowing or refusing to admit such will to probate, into the circuit court
 5 of the proper county, as provided by law, it shall be lawful for the party seeking
 6 probate of such will, to support the same, on the hearing in such circuit court,
 7 by any evidence competent to establish a will in chancery; and in case probate
 8 of such will shall be allowed on such appeal, it shall be admitted to probate,
 9 liable, however, to be subsequently contested, as provided in the case of wills
 10 admitted to probate in the first instance.

Sec. 1105. APPEAL—HOW TAKEN—NOTICE—DEPOSIT—TRIAL—DE NOVO.] An
 2 appeal may be taken from the order of a county court or probate court allowing
 3 or disallowing any will to probate, to the circuit court of the same county, by any
 4 person or persons interested in such will. Such appeal may be joint or several
 5 and shall be accomplished by the filing by the person or persons appealing with
 6 the clerk of the county court or probate court within twenty days after the entry
 7 of the order appealed from of a notice of such appeal and the making, by the
 8 person or persons appealing, within the same time, of a deposit with said clerk
 9 of the sum of twenty-five dollars (\$25) in counties of the first and second classes,
 10 or thirty dollars (\$30) in counties of the third class, of which amount five dol-
 11 lars (\$5) shall be retained by said clerk as his fees for preparing and transmit-

ting to the clerk of the court appealed to the authenticated record and the remaining twenty dollars (\$20) in counties of the first and second classes, or twenty-five dollars (\$25) in counties of the third class shall be transmitted by said clerk, together with the authenticated record, to the clerk of the court appealed to in full for all services to be rendered by said clerk to the parties appealing other than the making or furnishing of transcripts of the record, or other services for which express provision as to fees is made by this act. Upon such appeal the trial shall be de novo. The notice of appeal hereinbefore provided for may be in substantially the following form:

IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

In the Matter of the	}	Administration. No. 200.
Estate of Richard		
Roe, deceased.		

NOTICE OF APPEAL.

Notice is hereby given that an appeal has been taken to the circuit court of Grundy county from the order entered by the court allowing to probate the supposed last will and testament of John Doe, deceased.

WILLIAM DOE.

HENRY DOE.

Sec. 1106. NUNCUPATIVE WILL.] A nuncupative will shall be good and available in law for the conveyance of personal property thereby bequeathed, if committed to writing within twenty days after the making thereof, and proven before the county court or probate court by two or more credible, disinterested witnesses, who were present at the speaking and publishing thereof, who shall declare, on oath or affirmation, that they were present and heard the testator pronounce the said words, and that they believed him to be of sound mind and memory; and that he or she did, at the same time, desire the persons present, or some of them, to bear witness that such was his or her will, or words to that effect; and that such will was made in the time of the last sickness of the testa

11 tor or testatrix; and it being also proven by two disinterested witnesses, other
 12 than those hereinbefore mentioned, that the said will was committed to writing
 13 within ten days after the death of the testator or testatrix; and no proof of
 14 fraud, compulsion or other improper conduct be exhibited, which, in the opinion
 15 of said court, shall be sufficient to invalidate or destroy the same; and all such
 16 wills, when proven and authenticated as aforesaid, shall be recorded in like
 17 manner as other wills are directed to be recorded by this act: *Provided*, that no
 18 certificate of administration shall be granted on such will, until the expiration of
 19 sixty days after the death of the testator or testatrix.

Sec. 1107. PROCEDURE FOR PROBATE OF NUNCUPATIVE WILL—PETITION—NO-
 2 TICE TO HEIRS AND LEGAL REPRESENTATIVES.] Before any such nuncupative will shall
 3 be admitted to probate the person desiring to have the same probated shall file a
 4 petition in the county court or probate court of the proper county asking that
 5 said will be admitted to probate, which petition shall be in the form, as near as
 6 may be, hereinbefore prescribed for a petition for the probate of a last will and
 7 testament in writing, and thereupon the same notice shall be given to the heirs
 8 and legal representative of the deceased person and the same proceedings shall
 9 be had, as near as may be, as in case of an application for the probate of a last
 10 will and testament in writing.

Sec. 1108. MANNER OF REVOKING WILL.] No will, testament or codicil shall
 2 be revoked otherwise than by burning, canceling, tearing or obliterating the
 3 same, by the testator himself, or in his presence, by his direction and consent,
 4 or by some other will, testament or codicil in writing, declaring the same, signed
 5 by the testator or testatrix, in the presence of two or more witnesses, and by
 6 them attested in his or her presence; and no words spoken shall revoke or annul
 7 any will, testament or codicil in writing, executed as aforesaid, in due form of
 8 law.

Sec. 1109. WILLS TO REMAIN WITH CLERK—COPIES—EVIDENCE.] All original
 2 wills, together with the probate thereof, shall remain in the office of the clerk of
 3 the county court or probate court of the proper county; and copies of the record
 4 of the same, and copies of the record of exemplifications of foreign wills recorded
 5 in said office, as in this act provided, duly certified under the hand of the clerk
 6 and the seal of said court, shall be evidence in any court of law or equity in this
 7 state.

Sec. 1110. DEBTOR AS EXECUTOR.] In no case hereafter, within this State,
 2 where any testator or testatrix shall, by his or her will, appoint his or her debtor
 3 to be his or her executor or executrix, shall such appointment operate as a re-
 4 lease or extinguishment of any debt due from such executor or executrix, to such
 5 testator or testatrix, unless the testator or testatrix shall, in such will, expressly
 6 declare his intention to devise, bequeath or release such debt; nor even in that
 7 case, unless the estate of such testator or testatrix is sufficient to discharge the
 8 whole of his or her just debts, over and above the debt due from such executor
 9 or executrix.

Sec. 1111. CREDITOR AS WITNESS.] If any lands, tenements or hereditaments
 2 shall be charged with any debts, by any will, testament or codicil, and the credi-
 3 tor whose debt is so secured shall attest the execution of the same, such credi-
 4 tor shall, notwithstanding, be admitted as a witness to the execution thereof.

Sec. 1112. CERTIFICATE OF ADMINISTRATION UPON PROBATE OF WILL.] When a
 2 will has been duly proved and allowed, the county court or probate court shall
 3 grant a certificate of administration thereon to the executor named in such will, if
 4 he is legally competent and accepts the trust, and gives bond to discharge the
 5 same; and when there is no executor named in such will, or the executor named
 6 therein dies, refuses to act, or is otherwise disqualified, the court shall commit
 7 the administration of the estate unto the widow, surviving husband, next of kin,

8 creditor or public administrator, the same as if the testate had died intestate. In
9 all cases copies of the will shall go out with the certificate of administration.

Sec. 1113. DUTY OF PERSON NAMED AS EXECUTOR—PENALTY.] It shall be the
2 duty of any person, knowing that he is named or appointed as the executor of
3 the last will and testament of any person deceased, within thirty days next af-
4 ter the decease of the testator, to cause such will to be proved and recorded in
5 the proper county; or to present the will and declare his refusal to accept of
6 the executorship; and every such executor neglecting to do so, without just
7 excuse for such delay, shall forfeit the sum of twenty dollars (\$20) per month
8 from and after the expiration of said term of thirty days, until he shall cause
9 probate of said will to be made, or present the same as aforesaid, to be recov-
10 ered by action, for the use of the estate, by any person who will sue for the same
11 in any court having jurisdiction thereof.

Sec. 1114. WHEN MINOR OR MARRIED WOMAN EXECUTOR.] Persons of the age
2 of seventeen years, of sound mind and memory, may be appointed executors;
3 but when a person appointed executor is, at the time of proving the will, un-
4 der the age of twenty-one years, or of unsound mind, or convicted of any crime
5 rendering him infamous, administration may be granted during his minority or
6 other disability, unless there is another executor who accepts the trust, in which
7 case the estate shall be administered by such other executor until the minor ar-
8 rives at full age or the other disability is removed, when, upon giving bond as in
9 other cases, he may be admitted as joint executor with the former. When a mar-
10 ried woman is executrix, her husband may give bond with her for her faithful
11 performance of the trust as in other cases.

Sec. 1115. POWER OF EXECUTOR BEFORE PROBATE—WASTE, ETC.] The power of
2 the executor over the testator's estate, before probate of the will and obtaining
3 a certificate of administration, shall extend to the burial of the deceased, the pay-

4 ment of necessary funeral charges, and the taking care of the estate; but in all
 5 such cases if the will is rejected when presented for probate, and such executor
 6 thereby never qualifies, he shall not be liable as an executor of his own wrong,
 7 unless upon refusal to deliver up the estate to the person authorized to receive
 8 the same: *Provided*, that this section shall not be construed to exempt any per-
 9 son, claiming to be executor as aforesaid, for any waste or misapplication of
 10 such estate.

Sec. 1116. DEATH, ETC., OF **PART** OF EXECUTORS.] Where two or more execu-
 2 tors are appointed in and by the same will, and one or more of them dies, re-
 3 fuses to take upon himself the executorship, or is otherwise disqualified, a cer-
 4 tificate of administration shall be granted thereon to the other person or per-
 5 sons so named, not renouncing as aforesaid, and not disqualified.

Sec. 1117. **BOND OF EXECUTOR—FORM.**] All executors hereafter appointed,
 2 unless the testator shall otherwise direct in the will, and all administrators with
 3 the will annexed, shall, before **entering** upon their duties, enter into bond with good
 4 and sufficient security to be approved by the county court or probate court, which
 5 approval shall be evidenced by the endorsement of the same by the judge thereon,
 6 in a sum double the value of the personal estate and payable to the People of the
 7 State of Illinois for the use of the parties interested in substantially the follow-
 8 ing form, to-wit:

9 IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS

10 In the Matter of the Es- }
 11 tate of Richard Roe, } Administration. No. 200.
 12 deceased. }

13 BOND OF EXECUTOR.

14 KNOW ALL MEN BY THESE PRESENTS. That we, John Doe, as principal, and Wil-
 15 liam Doe and Henry Doe, as sureties, are held and firmly bound unto the People
 16 of the State of Illinois in the penal sum of twenty thousand dollars (\$20,000)
 17 for the payment of which, well and truly to be made, we bind ourselves, our

The condition of the above obligation is such that if the above bounden John Doe, as executor of the last will and testament of Richard Roe, deceased. (or administrator with the will annexed of Richard Roe, deceased, as the case may be,) shall faithfully perform all his duties as such executor (or administrator with the will annexed, as the case may be,) and shall faithfully account for all property which may, or by the exercise of due diligence might have, come into his possession, custody or control as such executor, and dispose of the same in the manner required by law, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

31 WILLIAM DOE. (Seal.)

33 Approved by me this 10th day of February, 1908.

35 Which said bond shall be signed and sealed by the said executor (or admin-
36 istrator) and his sureties and filed in the office of the clerk of the county court or
37 probate court and recorded therein, and where it becomes necessary to sell the
38 real estate of any intestate for the payment of debts against his estate under
39 the provisions of this act, or in case real estate is to be sold under any provi-
40 sions of a will, the court shall require the executor (or administrator) to give
41 further an additional bond, with good and sufficient security to be approved by
42 the court, in a sum double the value of the estate of the decedent sought to be
43 sold, and payable to the People of the State of Illinois for the use of the parties
44 interested, in the form above prescribed, as near as may be.

Sec. 1118. WHEN SECURITY NOT REQUIRED.] When any testator leaves visible estate more than sufficient to pay all his debts and by will shall direct that his executor shall not be obliged to give security, in that case no security shall be required unless the county court or probate court shall see cause from its own knowledge, or the suggestions of creditors and legatees, to suspect the executors of fraud or that the personal estate will not be sufficient to discharge all the debts, in which case such court may require security, and the same shall be given before or after a certificate of administration is granted, notwithstanding any direction to the contrary in the will.

Sec. 1119. EXECUTOR, ETC., BECOMING RESIDENT OF ANOTHER COUNTY.] Whenever, by the division of any county or the removal of the executor or administrator to whom a certificate of administration has been granted, he is by such removal or division beyond the limits of the county in which said certificate was granted and in some other county of this State, the county court or probate court of the county in which the certificate was or is granted shall proceed and settle the estate in the same manner as if no removal or division had occurred.

Sec. 1120. FORM OF CERTIFICATE OF ADMINISTRATION ISSUED TO EXECUTOR.] When the court shall order a certificate of administration issued to an executor named in a last will and testament, the same shall be issued by the clerk with a copy of such last will and testament annexed thereto and shall be in substantially the following form:

IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

In the Matter of the Estate of Richard Roe, deceased.	} Administration. No. 200.

CERTIFICATE OF ADMINISTRATION.

This is to certify that John Doe, of Grundy County, Illinois, the executor named in the last will and testament of Richard Roe, deceased, which was duly admitted to probate by the county court of Grundy county, Illinois, on the 10th

14 day of February, 1908, and a copy of which is hereunto annexed, is duly author-
 15 ized to exercise all the powers of such executor.

16 Witness Henry Thomas, clerk of our said county court and the seal
 17 thereof at Morris, Illinois, this 10th day of February, 1908.

18 HENRY THOMAS, *Clerk*.

 Sec. 1121. CERTIFICATE COMPETENT EVIDENCE—CLERK MAY ISSUE SEVERAL CER-
 2 TIFICATES.] Such certificate shall be competent evidence in all the courts of this
 3 State of the probate of such last will and testament and of the right of the per-
 4 son therein named as executor to exercise the powers of executor thereof, and ev-
 5 ery certificate of administration provided for by this act shall be competent evi-
 6 dence in all the courts of this State of the right of the person therein named to
 7 exercise the powers of executor or administrator as therein certified. As many
 8 certificates may be issued by the clerk, from time to time, as such executor or ad-
 9 ministrator or any other person may require upon the payment of the costs fixed
 10 by law therefor: *Provided, however,* that no such certificate shall be issued by
 11 the clerk after the removal from office of any executor, unless the court shall so
 12 order.

 Sec. 1122. WHEN ADMINISTRATOR TO COLLECT APPOINTED—FORMS.] During
 2 any contest in relation to the probate of any will, testament or codicil, before the
 3 same is recorded, or until a will which may have once existed, but is destroyed
 4 or concealed, is established, and the substance thereof committed to record, with
 5 proof thereupon taken, or during any contest in regard to the right of execu-
 6 torship, or to administer the estate of any person dying either testate or intes-
 7 tate, or whenever any other contingency happens which is productive of great de-
 8 lay before a certificate of administration can be issued upon the estate of such
 9 testator or intestate, to the person or persons having legal preference to the same,
 10 the county court or probate court may appoint the person for the time being hold-
 11 ing the office of public administrator, or, when there is no person holding the

12 said office, any other person, as administrator to collect and preserve the estate
 13 of any such decedent until probate of his will, or until administration of his es-
 14 tate is granted, taking bond and security for the collection of the estate, making
 15 an inventory thereof, and safe keeping and delivering up the same when there-
 16 unto required by the court, to the proper executor or administrator, whenever he
 17 shall be admitted and qualified as such. Such appointment may be made upon
 18 petition of any person interested in such estate. The following forms of peti-
 19 tion shall be deemed sufficient and shall be taken as furnishing suggestions from
 20 which other petitions may be properly framed:

21 1. PETITION FOR ADMINISTRATION TO COLLECT DURING CONTEST AS TO PROBATE
 22 OF WILL.

23 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

24 In the Matter of the Es- }
 25 tate of Richard Roe, } Administration. No. 150.
 26 deceased.

27 PETITION FOR ADMINISTRATION TO COLLECT.

28 The petitioner, John Doe, says:

29 1. Richard Roe died January 15, 1908, in Cook county, Illinois.

30 2. Said Richard Roe, at the time of his death, was a resident of said Cook
 31 county.

32 3. The heirs at law of said Richard Roe, their relationship to him and their
 33 postoffice addresses, so far as the same are known to the petitioner, are as fol-
 34 lows:

35 Jane Roe, widow, 1228 Michigan Avenue, Chicago, Illinois.

36 Henry Roe, son, 215 Jefferson Street, Indianapolis, Indiana.

37 William Roe, grandson, 117 Adams Street, Columbus, Ohio.

38 John Roe, grandson, P. O. address unknown.

39 4. A writing purporting to be the last will and testament of said Richard
 40 Roe, deceased, has been offered for probate in this court, but probate thereof has
 41 not as yet been allowed, the same being contested.

5. The legatees and devisees mentioned in said last will and testament,
other than said heirs at law and their postoffice addresses, so far as the same
are known to the petitioner, are as follows:

45 John Smith, 246 Fifth Avenue, New York, N. Y.

46 Henry Jones, 1407 Chestnut Street, Philadelphia, Pa.

47 6. Said Richard Roe left property of the following value:

48	<i>a</i> —Personal estate	\$ 15,000
----	---------------------------------	-----------

49	<i>b</i> —Real estate	95,000
----	-----------------------------	--------

50	Total	\$110,000
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7. The best interests of said estate require that during the pendency of
said contest the court should appoint an administrator to collect.

53 Wherefore petitioner prays for the appointment of an administrator to col-
54 lect. JOHN DOE.

John Doe on his oath says that the foregoing petition by him subscribed is
true.

JOHN DOE.

57 Subscribed and sworn to before me this 10th day of August, 1908.

58 SAMUEL JONES, *Clerk.*

59 2. PETITION FOR ADMINISTRATION TO COLLECT DURING CONTEST AS TO RIGHT OF
60 ADMINISTRATION.

61 The form of petition in such case may be the same as the foregoing form, ex-
62 cepting that paragraphs 4 and 5 thereof may read as follows:

63 4. Said Richard Roe died intestate.

5. A contest is pending and undetermined with respect to the right of ad-
ministration upon said estate.

Sec. 1123. FORM OF CERTIFICATE OF ADMINISTRATION TO COLLECT.] The form
2 of the certificate of administration granted to the person or persons so appointed
3 to collect and preserve the estate of the decedent as aforesaid may be substan-
4 tially as follows:

IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

In the Matter of the Es-
tate of Richard Roe, } Administration. No. 200.
deceased.

CERTIFICATE OF ADMINISTRATION TO COLLECT.

This is to certify that John Doe, of Grundy county, Illinois, was, on the 10th day of February, 1908, duly appointed by the county court of said Grundy county as administrator to collect and preserve the estate of Richard Roe, deceased, late of said Grundy county, and is duly authorized to exercise all the powers of such administrator.

Witness Henry Thomas, clerk of our said county court and the seal thereof at Morris, in said county, this 10th day of February, 1908.

HENRY THOMAS, *Clerk.*

Sec. 1124. BOND OF ADMINISTRATOR TO COLLECT.] Before a certificate of administration to collect shall be granted as aforesaid the person or persons so appointed shall give bond with good and sufficient surety to be approved by the court, which approval shall be evidenced by the endorsement of the same by the judge thereon in substantially the following form, to-wit:

IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

In the Matter of the Es-
tate of Richard Roe, } Administration. No. 200.
deceased.

BOND OF ADMINISTRATOR TO COLLECT.

KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and William Doe and Henry Doe, as sureties, are held and firmly bound unto the People of the State of Illinois in the penal sum of twenty thousand dollars (\$20,000) for the payment of which well and truly to be made we and each of us bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Witness our hand and seals this 10th day of February, 1908.

The condition of the above obligation is such that if the above bounden John Doe shall faithfully perform all his duties as administrator to collect of the estate of Richard Roe, late of the County of Grundy and State of Illinois, deceased, and shall faithfully account for all property which may, or by the exercise of due diligence, might have, come into his possession, custody or control as such administrator to collect and dispose of the same in the manner required by law, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

JOHN DOE. (Seal.)

JOHN DOE. (Seal.)

WILLIAM DOE. (Seal.)

HENRY DOE. (Seal.)

Approved by me this 10th day of February, 1908.

JAMES BROWN, *Judge.*

Sec. 1125. POWERS—COMMISSION.] Every collector so appointed shall have the power to collect the goods, chattels and debts of the said deceased and to secure the same at such reasonable and necessary expense as shall be allowed by the court; and the said court may authorize him, immediately after the inventory of such estate, to sell such as are perishable, or may depreciate by delay, and to account for the same; and for the whole trouble incurred by such collector the court may allow such commission on the amount of the said personal estate as shall be actually collected and delivered to the proper executor or administrator, as aforesaid, as said court may deem just and reasonable: *Provided*, the same shall not exceed six (6) per cent. on the amount stated in such inventory.

Sec. 1126. ACTIONS TO COLLECT.] Every such collector may commence ac-
tions for debts due to the decedent, and release the same on payment thereof;
and no such action shall abate by the revocation of his certificate of administra-
tion, but the same may be prosecuted to a final decision, in the name of and by
the executor or administrator to whom a certificate of administration may be
granted.

Sec. 1127. WHEN POWERS CEASE—PENALTY.] On the granting of a certificate of administration, the power of any such collector, so appointed, shall cease, and it shall be his duty to deliver, on demand, all property and money of the deceased which shall have come to his hands or possession (saving such commission as may be allowed by the court, as aforesaid) to the person or persons obtaining such certificate, and in case any such collector shall refuse or neglect to deliver over such property or money to his successor, when legal demand is made therefor, such person so neglecting or refusing shall be liable to pay twenty (20) per cent. over and above the amount of all such property or money as comes to his hands by virtue of his administration, and is not paid or delivered over as aforesaid, and shall forfeit all claim to any commission for collecting and preserving the estate—which said twenty (20) per cent., together with all damages which may be sustained by reason of the breach of any bond which may at any time be given by any such collector, may be sued for and recovered by the person or persons to whom a certificate of administration may be granted, for the use of the estate to such decedent.

Sec. 1128. WHO TO BE APPOINTED ADMINISTRATOR—DEATH TO BE PROVED.] Administration of the estate of all persons dying intestate shall be granted to some one or more of the persons hereinafter mentioned and they are respectively entitled to preference thereto in the following order:

First—To the surviving husband or wife or any competent person nominated by him or her.

Second—To the children or any competent person nominated by them.

Third—To the father or any competent person nominated by him.

Fourth—To the mother or any competent person nominated by her.

Fifth—To the brother's or any competent person nominated by them.

Sixth—To the sisters or any competent person nominated by them.

Seventh—To the grandchildren or any competent person nominated by them.

Eighth—To the next of kin or any competent person nominated by them.

14 *Ninth*—To the public administrator or to any creditor who shall apply for
15 the same.

16 Only such persons as are entitled to administer under this act shall have
17 the right to nominate. When several are claiming and are equally entitled to ad-
18 ministration the court may grant administration to one or more of them, prefer-
19 ring relatives of the whole to those of half blood. Preference and the right to
20 nominate under this act must be exercised within sixty days from the death of
21 the intestate, at the expiration of which time administration shall be granted to
22 the public administrator. In all cases where the intestate is a non-resident, and
23 in all cases where there is no widow, husband or next of kin entitled to a distribu-
24 tive share in the estate of such intestate, who at the time of the death of said dece-
25 dent is a bona fide resident of this State, administration shall be granted to the
26 public administrator. No administration shall in any case be granted until satis-
27 factory proof shall be made to the county court to whom application for that pur-
28 pose is made that the person on whose estate administration is requested is dead
29 and died intestate: *Provided, however,* that when the heirs are residents of this
30 state and the estate is solvent and without minor heirs and it is desired by the
31 parties in interest to settle the estate without administration, this section shall
32 not apply. *And further provided,* that no non-resident of this state shall be ap-
33 pointed or act as administrator or executor.

Sec. 1129. WHEN CERTIFICATE MAY BE GRANTED TO OTHER THAN HUSBAND, ETC.]

2 A certificate of administration upon the goods and chattels, rights and credits of
3 a person dying intestate, shall not be granted to any person not entitled to the
4 same, as husband, widow, next of kin, creditor or public administrator, within
5 seventy-five days after the death of the intestate, without satisfactory evidence
6 that the persons having the preference have relinquished their prior right there-
7 to; and if, within said seventy-five days, a certificate of administration of the
8 estate of a resident intestate has been granted to the public administrator or
9 a creditor and it shall afterwards appear that there is a widow or husband or

10 child of such intestate, who was, at the time of the death of such intestate, a
 11 resident of this State, the certificate of administration granted to such public
 12 administrator or creditor may be revoked, provided application is made by such
 13 widow or husband or child within six months after the death of such intestate;
 14 and upon such revocation such administrator shall forthwith deliver to his suc-
 15 cessor such estate subject to disbursements theretofore made and expenses in-
 16 curred in the administration of said estate.

Sec. 1130. AFFIDAVIT OF DEATH, ETC.—FORMS OF PETITION.] Before a certifi-
 2 cate of administration shall hereafter be issued, the person applying for the
 3 same, or some other credible person, shall file a petition with the proper clerk,
 4 setting forth, as near as may be, the date of the death of the deceased, the prob-
 5 able amount or value of the personal estate, and the names of the heirs and
 6 widow, or surviving husband, if known. Such petition shall be verified by affi-
 7 davit. The following forms of petition shall be deemed sufficient and shall be
 8 taken as furnishing suggestions from which other petitions may be properly
 9 framed:

10 1. PETITION BY WIDOW FOR ADMINISTRATION.

11 IN THE PROBATE COURT OF COOK COUNTY.

12 In the matter of the es- }
 13 tate of Richard Roe, } Administration. No. 175.
 14 deceased.

15 PETITION FOR ADMINISTRATION.

16 The petitioner, Jane Roe, says:

17 1. Richard Roe died January 15, 1908, in Cook county, Illinois.

18 2. Said Richard Roe, at the time of his death, was a resident of said Cook
 19 county.

20 3. The heirs at law of said Richard Roe, their relationship to him and their
 21 postoffice addresses, so far as the same are known to the petitioner, are as fol-
 22 lows:

23 Jane Roe, widow, 1228 Michigan Ave., Chicago, Illinois.
 24 Henry Roe, son, 215 Jefferson St., Indianapolis, Ind.
 25 William Roe, grandson, 117 Adams St., Columbus, Ohio.
 26 John Roe, grandson, postoffice address unknown.

27 4. Said Richard Roe died intestate.

28 5. The petitioner is the widow of said Richard Roe, her place of residence is
 29 in said Cook county, and she desires to be appointed administrator of his estate.

30 6. Said Richard Roe left property of the following value:

31 a—Personal estate\$ 15,000

32 b—Real estate 95,000

33 _____
 34 Total\$110,000

35 Wherefore petitioner prays to be appointed administrator.

36 JANE ROE.

37 Jane Roe on her oath says that the foregoing petition by her subscribed is
 38 true. JANE ROE.

39 Subscribed and sworn to before me this 10th day of February, 1908.

40 SAMUEL JONES, *Clerk*.

41 2. PETITION BY PUBLIC ADMINISTRATOR FOR ADMINISTRATION.

42 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

43 In the matter of the es-
 44 tate of Richard Roe, } Administration. No. 125.
 45 deceased.

46 PETITION FOR ADMINISTRATION.

47 The petitioner, Henry Brown, says:

48 1. Richard Roe died Jan. 15, 1908, in Cook county, Illinois.

49 2. Said Richard Roe, at the time of his death, was a resident of said Cook
 50 county.

51 3. The heirs at law of said Richard Roe, their relationship to him and their
 52 postoffice addresses, so far as the same are known to the petitioner, are as fol-

53 lows:

Henry Roe, son, 215 Jefferson St., Indianapolis, Indiana.

William Roe, grandson, 117 Adams St., Columbus, Ohio.

4. Said Richard Roe died intestate.

5. The petitioner is the public administrator of Cook county.

6. Said Richard Roe left property of the following value:

a—Personal estate\$10,000

b—Real estate 5,000

Total\$15,000

Wherefore petitioner prays to be appointed administrator.

HENRY BROWN.

Henry Brown on his oath says that the foregoing petition by him subscribed

is true. HENRY BROWN.

Subscribed and sworn to before me this 10th day of February, 1908.

SAMUEL JONES, *Clerk.*

Sec. 1131. FORM OF CERTIFICATE OF ADMINISTRATION.] The certificate of
administration granted to the person or persons so appointed may be in sub-
stantially the following form:

IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

In the matter of the es-
tate of Richard Roe, } Administration. No. 200.
deceased.

CERTIFICATE OF ADMINISTRATION.

This is to certify that John Doe of Grundy county, Illinois, was, on the 10th
day of February, 1908, duly appointed by the county court of said Grundy county
as administrator of the estate of Richard Roe, deceased, late of said Grundy
county, and is duly authorized to exercise all the powers of such administrator.

Witness Henry Thomas, clerk of our said county court and the seal thereof
at Morris, Illinois, this 10th day of February, 1908.

HENRY THOMAS, *Clerk.*

Sec. 1132. FORMS OF OTHER CERTIFICATES OF ADMINISTRATION.] In all cases

2 where certificates of administration de bonis non, or certificates of administra-
 3 tion of any public administrator are issued the same shall be in conformity with
 4 the foregoing form as nearly as may be, care being taken to make all necessary
 5 variations, additions, or omissions to suit each particular case.

Sec. 1133. BOND OF ADMINISTRATOR.] Before a certificate of administration

2 shall be granted as aforesaid the person or persons so appointed shall give bond
 3 with good and sufficient surety to be approved by the court, which approval
 4 shall be evidenced by the endorsement of the same by the judge thereon, in sub-
 5 stantially the following form, to-wit:

6 IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

7 In the matter of the es- }
 8 tate of Richard Roe, } Administration. No. 200.
 9 deceased.

10 BOND OF ADMINISTRATOR.

11 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal and
 12 William Doe and Henry Doe, as sureties, are held and firmly bound unto the
 13 People of the State of Illinois in the penal sum of twenty thousand dollars (\$20,-
 14 000) for the payment of which well and truly to be made we bind ourselves, our
 15 heirs, executors, administrators and assigns, jointly and severally, firmly by
 16 these presents.

17 Witness our hands and seals this 10th day of February, 1908.

18 The condition of the above obligation is such that if the above bounden John
 19 Doe shall faithfully perform all his duties as administrator of the estate of
 20 Richard Roe, late of the County of Grundy and State of Illinois, deceased, and
 21 shall faithfully account for all property which may, or by the exercise of due
 22 diligence might have, come into his possession, custody or control as such ad-
 23 ministrator and dispose of the same in the manner required by law, then this

24 obligation is to be void; otherwise the same is to be and remain in full force and
 25 effect.

26 . JOHN DOE. (SEAL.)

27 WILLIAM DOE. (SEAL.)

28 HENRY DOE. (SEAL.)

29 Approved by me this 10th day of February, 1908.

30 JAMES BROWN, *Judge.*

Sec. 1134. **ADDITIONAL BOND FOR SALE OF REAL ESTATE.**] When it becomes
 2 necessary to sell the real estate of any intestate for the payment of debts
 3 against his estate under the provisions of law the court shall require the ad-
 4 ministrator to give further and additional bond with good and sufficient surety
 5 to be approved by the court in a sum double the value of the real estate of the
 6 decedent sought to be sold and payable to the People of the State of Illinois,
 7 for the use of the parties interested, in the form above prescribed, and in all
 8 cases where bond shall be taken from any administrator de bonis non or in any
 9 other case where a form shall not be prescribed in this act the same shall be
 10 made, as nearly as may be, in conformity with the form above prescribed with
 11 corresponding variations to suit each particular case.

Sec. 1135. **JOINT OR SEVERAL BONDS.**] When two or more persons are ap-
 2 pointed executors or administrators of the same estate, the court may take a
 3 separate bond, with sureties, from each, or a joint bond, with sureties, from all.

Sec. 1136. **ACTION ON BOND.**] All bonds which may at any time be given
 2 by any executor or administrator, either with or without the will annexed, or de
 3 bonis non, to collect, or public administrator, may be put in suit and prosecuted
 4 against all or any one or more of the obligors named therein, in the name of the
 5 People of the State of Illinois, for the use of any person who may have been in-
 6 jured by reason of the neglect or improper conduct of any such executor or ad-
 7 ministrator, and such bonds shall not become void on the first recovery thereon,

8 but may be sued upon, from time to time, until the whole penalty shall be re-
 9 covered: *Provided*, that the person for whose use the same is prosecuted shall
 10 be liable for all costs which may acerue in the prosecution of the same, in case
 11 the plaintiffs fail in their action; and certified copies of all such bonds, or of
 12 the entries in the probate register and minute book pertaining thereto, under
 13 the seal of the clerk of the county court, shall be received as evidence to author-
 14 ize such recovery in any court of law or equity of competent jurisdiction.

Sec. 1137. REVOCATION OF CERTIFICATE OF ADMINISTRATION.] The county
 2 court or probate court shall revoke the certificate of administration in each of
 3 the following cases:

4 *First*—GRANT UPON FALSE PRETENSES.] When the same has been granted to
 5 any person upon the false and fraudulent pretense of being a creditor of the es-
 6 tate upon which administration is granted or upon any other false pretense
 7 whatever.

8 *Second*—SUBSEQUENT PROBATE OF WILL.] When at any time after a certifi-
 9 cate of administration has been granted without the probate of any will, a will
 10 of the deceased shall be produced and probate thereof granted according to law.

11 *Third*—WHEN WILL SET ASIDE.] When a will, testament or codicil shall
 12 have been approved and a certificate of administration granted thereon as afore-
 13 said and such will shall thereafter be set aside by due course of law.

14 *Fourth*—WHEN CERTIFICATE GRANTED TO PERSON INSANE, ETC.] When a cer-
 15 tificate of administration has been granted to a person who becomes insane,
 16 lunatic or of unsound mind, an habitual drunkard; is convicted of an infamous
 17 crime, wastes or mismanages the estate, or who conducts himself in such man-
 18 ner as to endanger his co-executor, co-administrator or sureties.

Sec. 1138. PROCEEDINGS WHEN EXECUTOR, ETC., REMOVED.] When it shall
 2 come to the knowledge of the county court or probate court, by affidavit or
 3 otherwise, that any executor or administrator of an estate is about to remove

4 or has removed beyond the limits of this state, it shall be the duty of such court
 5 to cause a notice to be published in some newspaper in the county where admin-
 6 istration was granted, for four weeks successively, and if no newspaper is pub-
 7 lished in said county, then by posting up a notice at the court house door, notify-
 8 ing the said executor or administrator to appear before him within thirty days
 9 after the date of such notice, and make a settlement of his accounts, as required
 10 by law. If the executor or administrator neglects or refuses to make such settle-
 11 ment, it shall be the duty of said county court or probate court to remove him
 12 from office.

Sec. 1139. **REQUIRING OTHER SECURITY.]** When any court grants a certifi-
 2 cate of administration of the estate of any person deceased, without taking
 3 good security as aforesaid, or when any security heretofore or hereafter taken
 4 becomes insufficient, the court may, on the application of any person entitled to
 5 distribution, or otherwise interested in such estate, require such executor or ad-
 6 ministrator to give other and sufficient security; and in default thereof the cer-
 7 tificate of administration shall be revoked, and administration de bonis non
 8 granted; but all acts done according to law by the executor or administrator so
 9 removed prior to such revocation, shall be valid.

Sec. 1140. **COUNTER OR OTHER SECURITY.]** When a surety for an executor
 2 or an administrator, or his representatives, may conceive himself or themselves
 3 in danger of suffering by the mismanagement of such executor or administrator,
 4 and shall petition the county court or probate court for relief, in writing, setting
 5 forth the cause of such apprehension, the said court shall examine such petition,
 6 and if the court shall deem the causes therein set forth sufficient to entitle
 7 such petitioner or petitioners to relief, if true, he shall summon such executor
 8 or administrator to show cause against such petition, and may dismiss the same,
 9 or direct such executor or administrator either to give good counter security to
 10 save such petitioner or petitioners harmless, or to give a new bond in the like

11 penalty as the first; and upon refusal or neglect to give such counter security
 12 or new bond, the certificate granted to such executor or administrator may be
 13 revoked.

Sec. 1141. NEW BOND—FORM.] Whenever a new bond is required to be
 2 given by an executor or administrator under either of the two preceding sec-
 3 tions the same may be in substantially the following form, to-wit:

4 IN THE COUNTY COURT OF GRUNDY COUNTY, ILLINOIS.

5 In the matter of the estate of { Administration. No. 200.
 6 Richard Roe, deceased.

7 NEW ADMINISTRATION BOND.

8 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and
 9 John Smith and William Brown, as sureties, are held and firmly bound unto
 10 the People of the State of Illinois in the penal sum of twenty thousand dollars
 11 (\$20,000) for the payment of which, well and truly to be made, we bind our-
 12 selves, our heirs, executors, administrators and assigns, jointly and severally,
 13 firmly by these presents.

14 Witness our hands and seals this 24th day of March, 1908.

15 The condition of the above obligation is such that whereas the above
 16 bounden John Doe, executor of the last will and testament of Richard Roe, de-
 17 ceased, (or administrator of the goods and chattels, rights and credits of
 18 Richard Roe, deceased, as the case may be,) has heretofore executed a bond pay-
 19 able to the People of the State of Illinois and for the faithful performance of
 20 all his duties as such executor (or administrator, as the case may be,) as afore-
 21 said, which said bond bears date on the 10th day of February, 1908, and
 22 whereas by an order of the county court (or probate court, as the case may be),
 23 made on the 17th day of March, 1908, other bond and security has been required
 24 of said executor (or administrator, as the case may be);

25 Now, therefore, if the said executor (or administrator, as the case may be)
 26 shall well and truly have kept and performed, and shall well and truly keep and

27 perform, the conditions of the bond first given as aforesaid in all respects ac-
 28 cording to law, and shall in all respects have performed and shall continue to
 29 perform the duties of his office as aforesaid, then this obligation is to be void;
 30 otherwise the same is to be and remain in full force and effect.

31 JOHN DOE. (Seal.)

32 WILLIAM SMITH. (Seal.)

33 WILLIAM BROWN. (Seal.)

34 Approved by me this 24th day of March, 1908.

35 JAMES BROWN, *Judge*.

36 Which bond shall be signed, sealed, approved, attested, filed and recorded
 37 in the same manner as other executors' or administrators' bonds, and shall
 38 have relation back to the time of granting the certificate of administration.

Sec. 1142. RELEASE OF SURETY.] Whenever any surety on the bond of any
 2 executor or administrator desires to be released from further liability upon any
 3 such bond, he may petition the court in which said bond is filed for that pur-
 4 pose, and upon notice being given to the executor or administrator as the court
 5 may direct, the court shall compel such executor or administrator, within a
 6 reasonable time, to be fixed by the court, to settle and adjust his accounts, and
 7 pay over whatever balance may be found in his hands, and file in such court a
 8 new bond, in such penalty and security as may be approved by the court—which
 9 being done, the surety may be discharged from all liability on such bond.

Sec. 1143. FAILURE OF EXECUTOR, ETC., TO COMPLY OR SETTLE—SUCCESSOR.] If
 2 such executor or administrator shall fail to comply with such order within the
 3 time fixed by the court, the court shall order that such executor or administra-
 4 tor be removed from his office, and shall appoint some other fit person as ad-
 5 ministrator, with the will annexed, or de bonis non, who shall give a bond as
 6 required by law. And in case of the failure of the former executor or adminis-
 7 trator to settle his accounts and to pay over to the person so appointed all

8 moneys, effects or choses in action in his hands by reason of his said office, then
 9 such successor shall proceed to collect the same by action against such executor
 10 or administrator, or by action upon his bond; and upon collection thereof such
 11 surety shall be discharged.

Sec. 1144. DEATH OF SOLE EXECUTOR.] When a sole or surviving executor or
 2 administrator dies without having fully administered the estate, if there is per-
 3 sonal property not administered, or are debts due from the estate, or there is
 4 anything remaining to be performed in the execution of the will, the county
 5 court or probate court shall grant a certificate of administration with the will
 6 annexed, or otherwise, as the case may require, to some suitable person, to ad-
 7 minister the estate of the deceased not already administered, and the securities
 8 on the bond of such deceased administrator shall be liable on the same to such
 9 subsequent administrator or to any other person aggrieved for any mismanage-
 10 ment of the estate committed to his care, and such subsequent administrator
 11 may have and maintain all necessary and proper actions against the securities
 12 of such former executor or administrator for all such goods, chattels, debts and
 13 credits as shall have come to his possession and are withheld or may have been
 14 wasted, embezzled or misapplied and no satisfaction made for the same: *Pro-*
 15 *vided*, that where there is still a surviving executor or administrator he may
 16 proceed to administer the estate unless otherwise provided.

Sec. 1145. REVOCATION OF CERTIFICATE—DEATH OR DISQUALIFICATION OF EXECU-
 2 TOR OR ADMINISTRATOR.] Where the certificate of one of several executors or
 3 administrators is revoked, or one or more of the executors or administrators
 4 die or become disqualified, after the execution of any will, but before the pro-
 5 bate thereof, or one or more of the executors or administrators die or become
 6 disqualified after their appointment by the court, the court shall, on petition of
 7 the surviving husband, or wife, or next of kin of the testator, or, if there are
 8 none such, then upon the petition of any of the beneficiaries named in such will,

9 appoint others in their place, and require additional bonds from the new ad-
 10 ministrator, or administrators; or the survivor, or survivors, or such as shall
 11 not have their powers revoked, shall proceed to manage the estate. When the
 12 certificates of all of them are revoked, or all of such executors or administra-
 13 tors die before final settlement and distribution of the estate, administration,
 14 with the will annexed, or de bonis non, shall be granted to the person next en-
 15 titled thereto: *Provided*, that in making any appointment under this section,
 16 the court shall give preference to the surviving husband, or wife, or next of kin
 17 of the deceased, or beneficiaries named in the will, in the order named.

Sec. 1146. **BOND OF FORMER EXECUTOR, ETC.—LIABILITY.**] In all cases where
 2 any such executor or administrator shall have his certificate revoked, he shall
 3 be liable on his bond to such subsequent administrator, or to any other person
 4 aggrieved, for any mismanagement of the estate committed to his care; and the
 5 subsequent administrator may have and maintain actions against such former
 6 executor or administrator for all such goods, chattels, debts and credits as shall
 7 have come to his possession, and which are withheld or have been wasted, em-
 8 bezzled or misapplied, and no satisfaction made for the same.

Sec. 1147. **RESIGNATION—SETTLEMENT.**] An executor or administrator may,
 2 upon his petition and upon giving such notice to the legatees, devisees or dis-
 3 tributees, as the court shall direct, be allowed to resign his trust when it appears
 4 to the county court or probate court to be proper; and upon such resignation
 5 the court shall grant a certificate of administration, with the will annexed, or de
 6 bonis non, to some suitable person, to administer the goods and estate not already
 7 administered. But no administrator or executor shall be discharged till he shall
 8 have made full settlement with the court and complied with its orders, and shall
 9 deliver to his successor all money, chattels and effects of the estate in his hands
 10 not paid over according to the orders of the court. The applicant for discharge
 11 shall pay all costs incurred thereby, and the court shall render a judgment

12 against him for all such costs, which may be collected by execution, as in case
 13 of other judgments.

Sec. 1148. POWERS OF FOREIGN EXECUTORS AND ADMINISTRATORS IN THIS STATE.]

2 When any person has proved or may prove the last will and testament of any
 3 deceased person, and taken on himself the execution of said will, or has ob-
 4 tained or may obtain administration of the estate of an intestate in any state in
 5 the United States, or in any territory thereof, such person shall be enabled to
 6 prosecute actions to enforce claims of the estate of the deceased, or to sell lands
 7 to pay debts, in any court in this state, in the same manner as if a certificate
 8 of administration had been granted to him under the provisions of the laws of
 9 this state: *Provided*, that such persons shall produce a copy of the certificate
 10 of administration or other authority for his acting as executor or administra-
 11 tor, authenticated in the manner prescribed by the laws of Congress of the
 12 United States for authenticating the records of judicial acts in any one state, in
 13 order to give them validity in other states: *And, provided*, that said executor or
 14 administrator shall give a bond for costs, as in case of other non-residents.

Sec. 1149. EXCEPTION WHEN CERTIFICATE GRANTED IN THIS STATE.] Nothing

2 contained in the preceding section shall be so construed as to apply to cases
 3 where administration is obtained upon the estate of any intestate nor where a
 4 certificate of administration is granted in this state; and when, after any ac-
 5 tion is commenced by any administrator or executor under the provisions of the
 6 preceding section, and before final judgment thereon, administration is had, or
 7 execution undertaken within this state, under the laws of the same, upon the
 8 estate of any decedent, upon suggestion of such fact, entered of record, the
 9 said resident administrator or executor shall, upon motion, be substituted as
 10 party to such action; and thereupon the court shall proceed to hear and de-
 11 termine the same, as if it had been originally instituted in the name of the said
 12 resident executor or administrator and the benefits of the judgment, order or
 13 decree shall enure to him, and be assets in his hands.

Sec. 1150. GOVERNOR TO APPOINT PUBLIC ADMINISTRATOR—TERM OF OFFICE—

2 DUTIES.] The governor of this state, by and with the advice and consent of the
3 senate, shall, before the first Monday of December, 1912, and every four years
4 thereafter, and as often as any vacancy may occur, appoint in each county in
5 this state a suitable person to be known as public administrator of such county,
6 who shall hold his office for the term of four years from the first Monday of
7 December, 1912, or until his successor is appointed and qualified; and the public
8 administrators in office at the time of the first appointment under the provi-
9 sions of this section shall, immediately upon the qualification of the persons
10 appointed under the provisions hereof, turn over all moneys, books and papers
11 appertaining to their offices respectively to the persons so appointed; and such
12 public administrators shall proceed to settle up all unsettled estates in accord-
13 ance with the provisions of this act.

Sec. 1151. PUBLIC ADMINISTRATORS IN OFFICE JANUARY 1, 1912, TO HOLD UNTIL

2 SUCCESSORS APPOINTED, ETC.] Every public administrator in office on the first day
3 of January, 1912, shall continue to hold his office until the first Monday of Decem-
4 ber, 1912, or until his successor is appointed and qualified in accordance with the
5 provisions of the previous section, and shall continue to receive for his services
6 such compensation as may be allowed by the county court or probate court
7 under the provisions of this act relating to the compensation of executors and
8 administrators.

Sec. 1152. SALARIES OF PUBLIC ADMINISTRATORS—HOW FIXED.] Commencing

2 with the first Monday of December, 1912, every public administrator shall receive
3 a salary payable quarterly out of the county treasury of the county in and for
4 which he is appointed. Such salary shall be fixed by the judges, or a majority
5 of them, of the circuit court of the judicial circuit in which such county is sit-
6 uated, and the same shall in no case amount to more than ninety (90) per
7 cent. of the salary fixed, from time to time, by law for a judge of the circuit

8 court of such county. Whenever the salary of any public administrator fixed as
 9 aforesaid shall amount to two thousand five hundred dollars (\$2,500) per an-
 10 num or more, such public administrator shall be required to devote his entire
 11 time and attention to the discharge of the duties of his office.

Sec. 1153. OATH.] Every person appointed as a public administrator shall,
 2 before entering upon the duties of his office, take, subscribe and file in the of-
 3 fice of the clerk of the county court, or, in counties in which a probate court is
 4 established, in the office of the clerk of the probate court, the following oath or
 5 affirmation, to-wit:

6 I do solemnly swear (or affirm, as the case may be,) that I will support the
 7 Constitution of the United States and the Constitution of the State of Illinois
 8 and that I will faithfully discharge the duties of the office of public administra-
 9 tor of (here insert name of county) county according to the best of my ability.

Sec. 1154. BOND—ADDITIONAL SECURITY—NEGLECT—REMOVAL.] It shall be
 2 the duty of the county court or probate court to require a public administrator,
 3 before entering upon the duties of his office, to enter into a bond payable to the
 4 People of the State of Illinois in a sum not less than five thousand dollars (\$5,-
 5 000), with security to be approved by the court and conditioned that he will
 6 faithfully discharge all of the duties of his office, and the court may, from time
 7 to time as occasion shall require, demand additional security of such adminis-
 8 trator and may require him to give the usual bond required of administrators in
 9 other cases touching any particular estate in his charge; and in default of giving
 10 such bond within sixty days after receiving his commission, or in default of giv-
 11 ing additional security within sixty days after being duly ordered by said court
 12 so to do, his office shall be deemed vacant, and, upon certificate of the county
 13 judge or probate judge of such fact, the governor shall fill the vacancy as afore-
 14 said. The expenses incurred by any public administrator for securing any such
 15 bond or bonds, when the amount of such expense is, in the opinion of the county

16 judge or the judge of the probate court, reasonable, shall be payable out of the
17 county treasury upon the certificate of such county judge or judge of the probate
18 court.

Sec. 1155. PUBLIC ADMINISTRATOR MAY APPOINT ASSISTANTS WHEN—SALARIES
2 OF ASSISTANTS—BONDS, ETC.] Whenever, in the opinion of a majority of the
3 judges of the circuit court of any county, the business of any public administrator
4 is such as to justify it, such public administrator may appoint such number of
5 assistants and other employees, one or more of which assistants may be a com-
6 petent attorney at law, as may be determined from time to time by a majority of
7 said judges, whose salaries shall be fixed, from time to time, by a majority of said
8 judges and shall be subject to be increased or diminished from time to time in
9 their discretion. Each of such assistants and employees shall give bond to be ap-
10 proved by the judge of the county court or probate court, conditioned, as near
11 as may be, like the bond required by the public administrator, and shall be sub-
12 ject to removal at any time by an order of a majority of the judges of such circuit
13 court. Whenever any one or more of the assistants of a public administrator
14 shall be a competent attorney at law, all business of such public administrator re-
15 quiring the services of an attorney at law shall be attended to by such assistant
16 or assistants: *Provided, however,* that in any case of unusual importance and
17 difficulty the county court or probate court may specially authorize the employ-
18 ment by the public administrator of an attorney at law who is not an assistant of
19 such public administrator; and *provided, further,* that, in every action brought
20 by any public administrator to recover damages on account of any wrongful act,
21 neglect or default resulting in the death of the testate or intestate of such public
22 administrator, the next of kin, or a majority of such of them as may not be under
23 disability, shall have the right to select the attorney at law to be employed by such
24 public administrator to prosecute such action.

Sec. 1156. **SUITABLE ROOMS, STATIONERY, ETC., FOR PUBLIC ADMINISTRATOR.]** Suit-

2 able rooms shall be provided for such public administrator by the judges of the
3 circuit court making the appointment and also all necessary books and station-
4 ery, the expenses thereof to be paid in the manner hereinafter provided.

Sec. 1157. **COMPENSATION OTHER THAN SALARY FORBIDDEN.]** No public admin-

2 istrator, assistant or employee shall receive, directly or indirectly, any profit,
3 emolument, compensation or gratuity of any kind or character by virtue, or by
4 means, or by reason of, his office or employment, other than his salary hereinbe-
5 fore provided for.

Sec. 1158. **EXPENSES OF PUBLIC ADMINISTRATOR—HOW PAID.]** All expenses in-

2 curred by such public administrator in and about each estate, the same to be fixed
3 and allowed by the county court or probate court, shall be paid by him out of the
4 moneys or property which may come into his hands as administrator of such
5 estate, and shall be a first lien upon all the property of such estate.

Sec. 1159. **DEPOSITORIES FOR MONEYS OF PUBLIC ADMINISTRATOR.]** The county

2 court or probate court of each county shall, whenever practicable, designate one
3 or more depositories for the deposit and safe-keeping of the moneys which may
4 come into the hands of such public administrator by virtue of his appointment
5 and may, in its discretion, require any person or persons, corporation or corpo-
6 rations, appointed as such depository or depositories to give a bond or bonds
7 with good and sufficient sureties for the safe-keeping of the moneys deposited by
8 such public administrator, and it shall be the duty of the court, whenever prac-
9 ticable, to require every such depository to pay to such public administrator
10 upon the moneys deposited with such depositories, such rate of interest as may
11 be from time to time the prevailing rate of interest paid by bankers and banking
12 corporations upon similar deposits and the interest so paid shall be accounted for
13 by such public administrator as a part of the earnings of his office.

Sec. 1160. FEES AND ALLOWANCES OF PUBLIC ADMINISTRATOR.] Each public

2 administrator, in addition to reimbursement on account of the expenditures made
3 or liabilities incurred by him with respect to the property of each estate of which
4 he is appointed administrator, which expenditures and liabilities are to be deter-
5 mined by the court by which he is appointed, shall receive from the property of
6 each estate the following fees and allowances and no others:

7 *First*—COMMISSION.] A commission upon the money and other personal
8 property, including the proceeds of the sale of real estate, which may come into
9 his hands, which shall be the same as the commission which may be allowed by the
10 court to other executors or administrators under similar circumstances.

11 *Second*—ALLOWANCE FOR WORK OF ASSISTANTS AND EMPLOYEES EXCEPT ATTOR-
12 NEY.] An allowance to be fixed by the court upon the final settlement of the
13 estate sufficient to compensate for the time actually devoted to the business of
14 the estate by the assistants and salaried employees of such public administrator,
15 not including assistants performing services of attorneys at law, of which an accu-
16 rate account shall be kept by such public administrator, assistants and salaried
17 employees.

18 *Third*—ALLOWANCE TO ATTORNEY ASSISTANTS OF PUBLIC ADMINISTRATOR.] An al-
19 lowance to be fixed by the court at the final settlement of the estate, or allow-
20 ances to be fixed, from time to time, during the continuance of the administration,
21 for services of the assistant or assistants of the public administrator who are at-
22 torneys at law.

23 *Fourth*—ALLOWANCE TO OTHER ATTORNEYS.] Allowances to be fixed by the
24 court, from time to time, for the services of attorneys at law specially employed
25 as hereinbefore provided.

Sec. 1161. HOW RECEIPTS OF PUBLIC ADMINISTRATOR ON ACCOUNT OF FEES AND

2 ALLOWANCES DISPOSED OF.] All receipts of every public administrator of fees and
3 allowances as aforesaid, excepting allowances to attorneys at law not assistants

4 of such public administrator, shall, at the end of each three months, be paid into
5 the county treasury of the county in and for which such public administrator is ap-
6 pointed.

Sec. 1162. CERTIFICATE OF PUBLIC ADMINISTRATOR REVOKED IN FAVOR OF PERSON

2 ENTITLED TO PREFERENCE WHEN.] Whenever administration is granted to any
3 public administrator and it shall afterwards appear that there is another person
4 who was entitled to the preference of administration under this act, and such
5 preference shall be claimed within sixty (60) days from the death of the intes-
6 tate, it shall be the duty of the county court or probate court to revoke the cer-
7 tificate granted to such public administrator and to grant the same to the person
8 so entitled, saving to such public administrator, in all cases, all such sums of
9 money, on account of commissions, allowances or expenses as are due to, or in-
10 curred by him, in the management of the estate.

Sec. 1163. DISPOSITION OF UNCLAIMED ESTATE.] If any balance of any such

2 intestate estate as may, at any time, be committed to any public administrator,
3 shall remain in the hands of such administrator, after all just debts and charges
4 against such estate, which have come to the knowledge of such public administra-
5 tor within two years after the administration of such estate was committed to
6 him, are fully paid, such administrator shall cause the amount thereof, with the
7 name of the intestate and the time and place of his decease, to be published in
8 some newspaper published in his county, or if no newspaper is published in his
9 county, then in the nearest newspaper published in this state, for eight weeks
10 successively, notifying all persons having claims or demands against such estate
11 to exhibit the same, together with the evidence in support thereof, before the
12 county court or probate court of the proper county, within six months after the
13 date of such notice, or that the same will be forever barred; and if no such claim
14 is presented for payment or distribution within the said time of six months, such
15 balance shall be paid into the treasury of said county; and the county shall be an

16 swerable for the same, without interest, to such persons as shall thereafter ap-
 17 pear to be legally entitled, on order of the county court or probate court, to the
 18 same, if any such shall ever appear.

Sec. 1164. WHEN PUBLIC ADMINISTRATOR TO PROTECT ESTATE.] Upon the death
 2 of any person intestate, not leaving a widow, or next of kin, or creditor, within
 3 this state, the public administrator of the county wherein such person may have
 4 died, or when the decedent is a non-resident, the public administrator of the
 5 county wherein the goods and chattels, rights and credits of such decedent shall
 6 be, may take such measures as he may deem proper to protect and secure the ef-
 7 fects of such intestate from waste or embezzlement, until administration thereon
 8 is granted to the person entitled thereto—the expenses whereof shall be paid to
 9 such public administrator, upon the allowance of the county court or probate
 10 court, in preference to all other demands against such estate, funeral expenses
 11 excepted.

Sec. 1165. INVENTORY.] Whenever a certificate of administration is granted,
 2 the executor or administrator shall make out a full, complete and perfect inven-
 3 tory of all of the estate, both real and personal, of which the deceased person
 4 died seized or possessed, or in which he was in any manner interested, so far as
 5 the same may come to the hands, possession or knowledge of such executor or ad-
 6 ministrator. Such inventory shall contain the following particulars:

7 *First*—REAL ESTATE.] A proper description, sufficiently accurate for the pur-
 8 pose of a conveyance, of each piece or parcel of real estate of which the deceased
 9 person died seized or possessed, or in which he was in any manner interested at
 10 the time of his death, together with the following particulars respecting the same:

11 *a*—NATURE OF INTEREST.] The nature and extent of the interest of the de-
 12 ceased therein.

13 *b*—DATE OF ACQUISITION, ETC.] The date when, and the person or persons
 14 from whom, and the nature of the instrument by which, the deceased acquired

15 his title, and if any such instrument be recorded, the book, page and office in
 16 which the same is so recorded.

17 *c* -VALUE.] The value of the interest of the deceased therein unincumbered.

18 *d*—DESCRIPTION OF INCUMBRANCES, ETC.] A description of every incumbrance
 19 thereon specifying the nature thereof, how and when created and the amount
 20 thereof, and all such particulars as may be necessary to enable the court to ascer-
 21 tain the value of such incumbrance.

22 *Second*—PERSONAL ESTATE.] A description of each item of personal property,
 23 together with such particulars in reference thereto as will reasonably identify the
 24 same and enable the court to ascertain the value thereof.

25 Every such inventory shall be verified by the affidavit of the executor or ad-
 26 ministrator.

Sec. 1166. SUPPLEMENTARY INVENTORY.] If, after the executor or adminis-
 2 trator makes the first inventory, any real or personal estate of the deceased comes
 3 to his possession or knowledge, he shall file a similar additional inventory thereof,
 4 verified by a like affidavit.

Sec. 1167. COURT TO EXAMINE INVENTORY.] Upon the filing of any inventory
 2 the court shall examine the same and hear the evidence in respect thereto, and, if
 3 the same be found correct, shall affirm the same, or, if the same be found incor-
 4 rect, shall cause the same to be corrected.

Sec. 1168. INVENTORIES AS EVIDENCE.] Inventories and authenticated copies
 2 thereof, may be given in evidence in any action by or against the executor or ad-
 3 ministrator, but shall not be conclusive for or against him, if any other testimony
 4 be given that the estate was really worth, or was bona fide sold for more or less
 5 than the inventory value thereof. But no inventory shall operate as notice of any
 6 kind to any person as to the title to real estate therein mentioned.

Sec. 1169. LIABILITIES OF EXECUTORS, ETC.] Executors and administrators

2 shall be chargeable with so much of the estate of the decedent, personal or real,
3 as they, after due and proper diligence, might or shall receive.

Sec. 1170. WHEN ASSETS DO NOT EXCEED WIDOW'S ALLOWANCE—NEW ASSETS.]

2 If the administrator or executor of an estate discovers, at any time after an in-
3 ventory of the property is made, that the personal property and assets of the
4 estate do not exceed the amount of the widow's allowance, after deducting the
5 necessary expenses incurred, such administrator or executor shall report the
6 facts to the court, and if the court finds the report to be true, he shall order said
7 property and assets to be delivered to the widow by the administrator or exec-
8 utor, and discharge the executor or administrator from further duty; but such
9 executor or administrator shall first pay out of the property and assets the
10 costs and expenses of administration. After the court orders the delivery of such
11 property and assets to the widow, the clerk of said court shall make and deliver
12 to her a certified copy of the order, under seal, which shall vest her with com-
13 plete title to said property and assets, and enable her to sue for and recover the
14 same in her own name and for her own use. Such widow shall not be liable for
15 any of decedent's debts or liabilities, excepting the funeral expenses of the de-
16 ceased. Upon petition being filed with the clerk of said court, that such admin-
17 istrator or executor fails or refuses to report in any case provided for in this
18 section, the court may order a citation and attachment to issue as in other cases
19 of a failure of administrators to report. And on a discovery of new assets, ad-
20 ministration may be granted as in other cases, and charged to the account of the
21 estate.

Sec. 1171. NOTICE OF ADJUSTMENT OF CLAIMS.] Every administrator or ex-

2 ecutor shall fix upon a time, within six months from the time of his being quali-
3 fied as such administrator or executor, for the adjustment of all claims against
4 such decedent and shall publish a notice thereof for three successive weeks in

5 some public newspaper published in the county, or, if no newspaper is published
6 in the county, then in the nearest newspaper in this state, and also by putting up
7 a written or printed notice on the door of the court-house and in five other of the
8 most public places in the county, notifying and requesting all persons having
9 claims against such estate to attend at said time for the purpose of having the
10 same adjusted (the first publication of said notice to be given at least six weeks
11 previous to said time), when and where such claimant shall produce his claim in
12 writing; and if no objection is made to said claim by the executor, administrator,
13 widow, heirs or others interested in said estate, and the claimant, his agent or at-
14 torney, swears that such claim is just and unpaid after allowing all just credits,
15 the court may allow such claim without further evidence, but, if objection is made
16 to such claim, the same shall not be allowed without other sufficient evidence:
17 *Provided, however,* that no claim against an estate arising out of a tort shall be
18 allowed without proof, in addition to the evidence of the claimant, of the liability
19 of the estate therefor and of the amount of damages to which the claimant is en-
20 titled. Whoever has a claim against an estate and fails to present the same for
21 adjustment at the time thus selected by the executor or administrator may, at
22 any time within one year after the grant of administration, file the same with the
23 clerk of the court and serve a copy thereof upon the executor or administrator,
24 together with a notice of the filing of the same, and thereupon the same proceed-
25 ings may be had with respect to the allowance or disallowance thereof as if the
26 same had been filed at the time fixed by the executor or administrator for the ad-
27 justment of the same.

Sec. 1172. FORM OF CLAIM.] The following shall be deemed a sufficient form
2 of claim and shall be taken as furnishing suggestions from which other forms of
3 claims may be properly framed:

4 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

5 In the matter of the es- }
 6 tate of Richard Roe, } Administration. No. 200.
 7 deceased.

8 CLAIM OF JOHN DOE.

9 The claimant's claim is for the amount due him as payee from Richard Roe,
 10 deceased, as maker of a promissory note of which and of the endorsements there-
 11 on the following is a copy: (Here give copy of note and of the endorsements
 12 thereon.)

13 The amount due the claimant is one thousand and sixty dollars (\$1,060).

14 JOHN DOE.

15 John Doe on his oath says that he is the claimant in the foregoing claim
 16 and that the same is just and unpaid and that there is due thereon to him from
 17 the estate of Richard Roe, deceased, after allowing to said estate all just credits
 18 the sum of one thousand and sixty dollars (\$1,060).

19 JOHN DOE.

20 Subscribed and sworn to before me this 10th day of February, 1908.

21 HENRY SMITH, *Clerk*.

Sec. 1173. FORMS OF CLAIMS IN ACTIONS AT LAW SUFFICIENT.] The forms of
 2 claims prescribed by this act for actions at law shall be deemed sufficient forms
 3 of claims against estates of deceased persons, when verified by the affidavits of the
 4 claimants, their agents or attorneys, as hereinbefore provided, and preceded by
 5 the specification of the courts in which the proceedings are pending and the titles,
 6 classifications and numbers of the proceedings.

Sec. 1174. CLAIMS TO BE IN QUADRUPLICATE.] Every claimant, upon filing any
 2 claim against the estate of a deceased person, shall also deliver, in addition to the
 3 original, one copy thereof to the clerk, and shall also deliver one copy thereof to
 4 the executor or administrator, and one copy thereof shall be retained by such
 5 claimant.

Sec. 1175. TRIAL BY COURT UNLESS JURY DEMANDED, ETC.] Every such claim,

2 when objected to, shall be tried by the court without a jury, unless the claimant,
 3 at the time he files his claim, or the executor or administrator, within five days
 4 after notice of the filing of such claim, shall file with the clerk of the county court
 5 or probate court, as the case may be, a demand in writing of a trial thereof by
 6 jury, which demand, however, may be withdrawn by the party filing the same at
 7 any time before trial, and shall, at the same time, pay to the clerk the same costs
 8 which such party would be required to pay were said claim prosecuted by action
 9 at law in the circuit court of such county and a demand in writing of a trial by jury
 10 were filed by such party in such circuit court.

Sec. 1176. TRIAL IN CIRCUIT COURT WHEN JURY DEMANDED.] Whenever a trial

2 by jury of any such claim shall be demanded by either party, the clerk of the
 3 county court or probate court shall forthwith transmit such claim, with his cer-
 4 tificate of the filing thereof and the demand of a trial by jury, to the clerk of the
 5 circuit court who shall file the same and shall docket the same as an action in
 6 said court in the name of the claimant and against the estate of the deceased per-
 7 son, and the same shall thereupon be tried and determined in said circuit court as
 8 other actions in said court, and the final judgment therein shall be certified by the
 9 clerk of the circuit court to the county court or probate court, as the case may be,
 10 and the same effect shall be given thereto by said county court or probate court
 11 as if the same had been entered therein: *Provided, however,* such county court
 12 or probate court may, by rule, provide for the trial by jury of claims in said
 13 county court or probate court, in which case such claims shall not be certified to
 14 the circuit court, but shall be tried by jury and disposed of in such county court
 15 or probate court.

Sec. 1177. OATH OF CLAIMANT MAY BE REQUIRED.] The county court or pro-

2 bate court may, in its discretion, in any case, before giving judgment against any
 3 executor or administrator, require the claimant to make oath that such claim is

4 just and unpaid: *Provided*, that the amount of such judgment shall not in such
5 case be increased upon the testimony of the claimant

Sec. 1178. EVIDENCE.] A judgment regularly obtained, or a copy thereof
2 duly sworn to or certified and filed with the court, shall be taken as duly proven;
3 and all instruments in writing, signed by the testator or intestate, if the hand-
4 writing is proven and nothing is shown to the contrary, shall be deemed duly
5 proved.

Sec. 1179. DEMAND AGAINST CLAIMANT.] When a claim is filed, or action
2 brought, against an executor or administrator, and it appears on trial that such
3 claimant or plaintiff is indebted to such executor or administrator, the court may
4 give judgment therefor, and execution may issue thereon in favor of the executor
5 or administrator.

Sec. 1180. CLAIMS NOT DUE.] Any creditor, whose debt or claim against the
2 estate is not due, may, nevertheless, present the same for allowance and settle-
3 ment, and shall, thereupon, be considered as a creditor under this act, and shall
4 receive a dividend of the said decedent's estate, after deducting a rebate of inter-
5 est for what he shall receive on such debt, to be computed from the time of the
6 allowance thereof to the time such debt would have become due, according to the
7 tenor and effect of the contract.

Sec. 1181. DEMANDS CLASSIFIED—LIMITATIONS.] All demands against the es-
2 tate of any testator or intestate shall be divided into classes in the manner fol-
3 lowing, to wit:

4 *First*—Funeral expenses and necessary costs of administration.

5 *Second*—The widow's award if there be a widow, or, the children's award, if
6 there are children and no widow.

7 *Third*—Expenses attending last illness, not including physician's bill, and de-
8 mands due common laborers or household servants of deceased for labor.

9 *Fourth*—Debts due the common school fund or township.

10 *Fifth*—The physician's bill in the last illness of the deceased.

11 *Sixth*—Money received by the deceased in trust for any purpose and not ac-
12 counted for.

13 *Seventh*—All other debts and demands of whatever kind, without regard to
14 quality or dignity, which shall be exhibited to the court within one year from the
15 granting of administration as aforesaid, saving, however, to infants, persons of
16 unsound mind, persons without the United States in the employment of the United
17 States or of this state, the term of one year after their respective disabilities are
18 removed to exhibit their claims. The bringing of an action upon a claim in any
19 court of competent jurisdiction shall be deemed an exhibition of the same to the
20 court within the meaning of this section.

Sec. 1182. MANNER OF PAYMENT.] All claims against estates, when allowed
2 by the county court or probate court, shall be classed and paid by the executor
3 or administrator, in the manner provided in this act, commencing with the first
4 class; and when the estate is insufficient to pay the whole of the demands, the de-
5 mands in any one class shall be paid, pro rata, whether the same are due by
6 judgment, writing obligatory, or otherwise, except as otherwise provided.

Sec. 1183. DEMANDS OF EXECUTOR, ETC.] When an executor or administrator
2 has a demand against his testator or intestate's estate, he shall file his demand as
3 other persons; and the court shall appoint some discreet person to appear and
4 defend for the estate, and, upon the hearing, the court or jury shall allow such
5 demand, or such part thereof as is legally established, or reject the same, as shall
6 appear just. Should any executor or administrator appeal or prosecute a writ
7 of error in such case, the court shall appoint some person to defend as aforesaid.

Sec. 1184. ENTRIES—CLASSING—PAYMENT BEFORE ALLOWANCE.] The county
2 court or probate court shall make an entry of all demands against estates, class-

ing the same as above provided, and file and preserve the papers belonging to the same. If an executor or administrator pays a claim before the same is allowed as aforesaid, said court shall require such executor or administrator to establish the validity of such claim by the like evidence as is required in other cases, before the same is classed, and he credited therewith.

Sec. 1185. WHEN CLAIMS MUST BE EXHIBITED.] Every person having a claim against the estate of a deceased person and not under disability shall be bound to exhibit the same, in the manner provided by this act, within one year after the granting of a certificate of administration, or in default thereof such claim shall be forever barred: *Provided, however,* that this section shall not apply to any claimant whose claim shall not have become due and payable more than ninety (90) days prior to the expiration of said one year, nor to any claimant who shall not have acquired actual notice of the death of the testator or intestate more than ninety (90) days prior to the expiration of said one year, nor to any claim upon a recognizance or penal bond signed by the testator or intestate either as principal or surety.

Sec. 1186. ENFORCEMENT OF CLAIM EXHIBITED AFTER LAPSE OF ONE YEAR BUT BEFORE DISTRIBUTION, ETC.] When any claim included within the proviso of the preceding section shall be exhibited either by the filing of the same in the county court or probate court, as the case may be, and the service of notice upon the executor or administrator of such filing, or by the commencement of an action thereon at law or in equity, and the service of the summons in such action upon the executor or administrator, after the lapse of one year from the grant of administration, but before the distribution of the personal estate or any portion thereof, including the proceeds of real estate, to the heirs, or legatees of the intestate or testator, and before the transfer, conveyance or encumbrance by any heir or devisee of any portion of the real estate of the testator or intestate, the same, when allowed or established shall be enforced in due course of administra-

tion out of the property hereinafter declared subject to the payment of the same in the same manner as is provided in this act for the enforcement of other claims of the seventh class.

Sec. 1187. ENFORCEMENT OF CLAIM EXHIBITED AFTER LAPSE OF ONE YEAR AND AFTER DISTRIBUTION, ETC.] Any claim included within said proviso, when the same shall not be exhibited in the manner and within the time provided for in the preceding section, may be enforced by bill in equity filed in the county court or probate court, as the case may be, by the claimant as plaintiff against the heirs, legatees and devisees of such deceased person, or such of them as may be liable, in whole or in part, for the payment of such claim, and, if such bill be filed prior to the final settlement of the estate and the discharge of the executor or administrator, also against such executor or administrator as defendants, which bill shall specify the court in which the action is pending, the names of the parties thereto and the number and classification thereof, and shall set forth the nature and amount of the plaintiff's claim and the facts relied upon by the plaintiff for the enforcement of the same by such bill in equity. All proceedings under such bill after the filing of the same, including the issuance and service of summons and publication of notice, the filing and disposition of exceptions, demurrers, pleas, answers, amendments, supplemental bills, cross-bills and bills of intervention, and also including references to masters in chancery, shall be the same, as near as may be, as is prescribed in this act for actions in equity.

Sec. 1188. HOW PAYMENT OF CLAIM ESTABLISHED BY BILL IN EQUITY ENFORCED.] When any such claim shall be established against the estate of any deceased person by a bill in equity as aforesaid, payment of the same shall be enforced out of the property which would have been applicable to the payment of the same had the same been exhibited within one year after the grant of administration, after deducting therefrom the amount necessary for the payment of the widow's or children's award, all expenses of administration, all claims of other creditors,

8 which may have been exhibited within one year after the granting of adminis-
 9 tration, and other claims of persons under disability as hereinbefore provided.
 10 All heirs, devisees and legatees, of the deceased person who shall have received
 11 their distributive shares of the estate, or their devises, or legacies, or any por-
 12 tion thereof, may be compelled to pay their pro rata shares of the amount of such
 13 claim out of such distributive shares, devises or legacies; but no heir, devisee or
 14 legatee shall be compelled out of his distributive share, devise or legacy to con-
 15 tribute to the payment of the pro rata share of any heir, devisee or legatee from
 16 whom such pro rata share or any portion thereof may not be collectible.

Sec. 1189. WHAT PROPERTY SUBJECT TO SUCH CLAIM.] No such claim shall be
 2 enforced nor shall payment thereof be required excepting out of so much of the
 3 estate of the deceased person as may remain after the payment of the widow's or
 4 children's award, all expenses of administration, all claims of other creditors
 5 which may have been exhibited within one year after the granting of administra-
 6 tion and all claims of persons under disability as hereinbefore provided.

Sec. 1190. PURCHASER FROM HEIR, DEVISEE OF LEGATEE TO TAKE TITLE FREE
 2 FROM LIEN, ETC.] Any purchaser of real or personal property from an heir, de-
 3 visee or legatee, when such purchase is made prior to the filing of the bill in
 4 equity as hereinbefore provided for and the service of the summons or the first
 5 publication of notice therein, shall take the same free from the claims of all cred-
 6 itors who shall not have exhibited their claims within one year after the grant of
 7 administration.

Sec. 1191. WIDOW'S OR CHILDRENS'S AWARD.] The widow, residing in this
 2 state, of a deceased husband whose estate is administered in this state, whether
 3 her husband died testate or intestate, shall, in all cases, in exclusion of all debts,
 4 claims, charges, legacies and bequests, except funeral expenses, be allowed, as
 5 her sole and exclusive property forever, except as herein otherwise provided,
 6 the same to be known as the widow's award, the following, to-wit:

7 *First*—FAMILY PICTURES, ETC.] The family pictures and the wearing ap-
8 parel, jewels and ornaments of herself and her minor children.

9 *Second*—CASH.] Such sum in cash as the court may deem reasonable for
10 the proper support of the widow and minor children, if any, for the period of
11 one year after the death of the testator or intestate, in a manner suited to her
12 condition in life, taking into account the condition of the estate of the testator or
13 intestate. Such allowance shall in no case be less than five hundred dollars
14 (\$500) together with an additional two hundred dollars (\$200) for each minor
15 child of the testator or intestate under the age of eighteen years at the time
16 of his death. The widow shall be entitled to receive the amount of such award
17 in cash or she may, at her election, accept payment thereof in whole or in part
18 in personal property of the testator at the inventory value thereof, and for
19 that purpose the court may make all necessary orders. The amount so allowed
20 for the support of the minor or minors shall be, by the executor or adminis-
21 trator, paid to the widow in quarterly payments due and payable at the end of
22 each quarter of the year for which the allowance is made. In case such widow
23 dies or abandons such minor child or children before the expiration of the year,
24 the amount allowed on account of said minor child or children and remaining
25 unpaid to the widow, shall become the property of such minor or minors.

 Sec. 1192. RIGHT TO AWARD NOT AFFECTED BY RENUNCIATION, ETC.] The right
2 of a widow to her award shall in no case be affected by her renouncing or failing
3 to renounce the benefit of the provisions made for her in the will of her husband,
4 or otherwise.

 Sec. 1193. ALLOWANCE TO CHILDREN.] When the person dying is at the time
2 of his or her death, a housekeeper, the head of a family, and leaves no widow
3 or surviving husband, there shall be allowed to the children of the deceased, re-
4 siding with him or her at the time of his or her death (including all males un-
5 der eighteen years of age, and all females), the same amount of property and

6 money as is allowed to the widow by this act, the same to be apportioned as the
7 court may direct.

Sec. 1194. EQUALIZING LEGACIES, ETC., ON RENUNCIATION.] In all cases where
2 a widow or surviving husband shall renounce all benefits under the will, and the
3 legacies and bequests therein contained, to other persons, shall, in consequence
4 thereof, become diminished or increased in amount, quantity or value, it shall be
5 the duty of the court, upon settlement of such estate, to abate from or add to
6 such legacies and bequests in such manner as to equalize the loss sustained or ad-
7 vantage derived thereby, in a corresponding ratio to the several amounts of such
8 legacies and bequests, according to the amount or intrinsic value of each.

Sec. 1195. WHO LIABLE FOR WASTE.] If the widow commits waste in the lands
2 and tenements, or the personal estate of the deceased, she shall be liable to an
3 action by the heir or devisee, or his or her guardian, if of real estate, or by the
4 executor or administrator, if of personal estate; and if she marry a subsequent
5 husband, he shall be answerable with her, in damages, for any waste committed
6 by her or by himself, after such marriage.

Sec. 1196. CONCEALED, ETC., GOODS, ETC.—DISCLOSURE, ETC.] If any executor
2 or administrator, or other person interested in any estate, shall state upon oath,
3 to any county court, or probate court, that he believes that any person has in his
4 possession, or has concealed or embezzled, any goods, chattels, moneys or effects,
5 books of account, papers or any evidences of debt whatever, or titles to lands be-
6 longing to any deceased person; or that he believes that any person has any
7 knowledge or information of or concerning any indebtedness or evidences of in-
8 debtedness, or property, titles or effects, belonging to any deceased person, which
9 knowledge or information is necessary to the recovery of the same, by action or
10 otherwise, by the executor or administrator, of which the executor or adminis-
11 trator is ignorant, and that such person refuses to give to the executor or admin-
12 istrator such knowledge or information, the court shall require such person to

13 appear before it by citation, and may examine him on oath, and hear the testi-
 14 mony of such executor or administrator, and other evidence offered by either
 15 party, and make such order in the premises as the case may require.

Sec. 1197. REFUSAL TO ANSWER, ETC.—COMMITMENT.] If such person refuses
 2 to answer such proper interrogatories as may be propounded to him, or refuses
 3 to deliver up such property or effects, or in case the same has been converted, the
 4 proceeds or value thereof, upon a requisition being made for that purpose by
 5 an order of the said court, such court may commit such person to jail until he
 6 shall comply with the order of the court therein.

Sec. 1198. DESPERATE CLAIMS.] Upon suggestion made by an executor or ad-
 2 ministrator to the county court, or probate court, that any claim, debt or demand
 3 whatever belonging to the estate in his hands to be administered, and accruing
 4 in the lifetime of the decedent, is desperate on account of the insolvency or doubt-
 5 ful solvency of the person or persons owing the same, or on account of the debtor
 6 having availed himself of the bankrupt law of the United States, or on account of
 7 some legal or equitable defense which such person or persons may allege against
 8 the same, or because of the smallness of such claim, debt or demand, and the dif-
 9 ficulty of finding the debtors, owing to the remoteness of their residence, or such
 10 executor's or administrator's ignorance of the same, the said court may order
 11 such claim, debt or demand to be compounded or sold, or to be filed in the said
 12 court, for the benefit of such of the heirs, devisees or creditors of such decedent
 13 as will sue for and recover the same, giving the creditors the preference, if they
 14 or any of them apply for the same before the final settlement of such estate: *Pro-*
 15 *vided*, that no order for the sale or compounding of any such debts, claims or de-
 16 mands, or any of them, shall be made until two weeks' public notice shall have
 17 been given, to all whom it may concern, of the time and place when the said order
 18 will be applied for—which notice shall be given by the administrator or executor,
 19 in a newspaper published in the county where such application is to be made, or

20 if no such newspaper is published in such county, then by posting up such notices
 21 in not less than three public places in the county, of which one shall be at the
 22 office of the clerk of the county court or probate court—which notice shall be so
 23 posted at least two weeks previous to the time of said application. The executor
 24 or administrator shall report to the said county court, for its approval, the terms
 25 upon which he has settled or disposed of any such claim, debt or demand.

Sec. 1199. AVAILS OF DESPERATE CLAIMS.] And if such claim is compounded
 2 or sold, such executor or administrator shall be chargeable with the avails of
 3 such compounding, and if the same is taken by any of the creditors, heirs or de-
 4 visees, he or they may maintain an action for the recovery thereof, in the name
 5 of such executor or administrator, for the use hereinafter mentioned; and upon
 6 recovering the same, or any part thereof, he or they shall be chargeable therewith,
 7 after deducting his claim or distributive share, with reasonable compensation
 8 for collecting the same; and upon such actions the executor or administrator
 9 shall not be liable for costs.

Sec. 1200. COURT MAY ORDER CERTAIN CLAIMS COMPOUNDED.] The county court
 2 or probate court may order claims, debts and demands, due at so remote a period
 3 as to prevent their collection within the time required for the final settlement of
 4 estates, and the collection or disposition of which is necessary to the payment of
 5 the debts against the estates, to be compounded or sold in the same manner and
 6 upon like conditions as though such claims, debts or demands were desperate or
 7 doubtful: *Provided*, that no such claim, debt or demand shall be sold or com-
 8 pounded for less than ten per cent. below the value thereof.

Sec. 1201. REMOVAL OF PROPERTY BY EXECUTOR, ETC.—PENALTY.] No executor
 2 or administrator shall, without the order of the court, remove any property
 3 wherewith he is charged, by virtue of his letters, beyond the limits of this state.
 4 And in case any such executor or administrator shall remove such property with-
 5 out such order, the court shall, on notice, forthwith revoke his certificate of ad-

6 ministration and appoint a successor, and cause an action to be instituted on his
 7 bond against him and his security, for the use of the person interested in the
 8 estate; and if it shall appear, upon the trial of such action, that the executor or
 9 administrator has so removed such property, judgment shall be rendered against
 10 the offender and his securities for the full value thereof, and such other damages
 11 as the parties interested may have sustained by reason thereof.

Sec. 1202. COURT MAY ORDER EXECUTOR, ETC., TO DELIVER PROPERTY, ETC.] The
 2 county court or probate court may, upon the application of any person, order
 3 any executor or administrator to deliver property in his hands or under his
 4 control as such executor or administrator to such person, upon proof to the
 5 satisfaction of the court that such person is entitled to the possession thereof,
 6 and the court shall have power to adjudicate upon all controversies between
 7 executors or administrators and other persons respecting any property or as-
 8 sets in the hands of such executors or administrators and held by them in their
 9 respective representative capacities.

Sec. 1203. DUTY OF SURVIVING PARTNER.] In case of the death of one partner,
 2 the surviving partner or partners shall proceed to make a full, true and complete
 3 inventory of the estate of the co-partnership within his knowledge; and shall
 4 also make a full, true and complete list of all the liabilities thereof at the time of
 5 the death of the deceased partner.

Sec. 1204. RETURN OF INVENTORY, ETC.] He or they shall return, under oath,
 2 such inventory and list of liabilities within sixty days after the death
 3 of the co-partner, to the county court or probate court of the county of
 4 which the deceased was a resident or carried on the partnership business at the
 5 time of his death; if the deceased shall have been a non-resident, then such re-
 6 turn shall be made to the county court or probate court granting administration

7 upon the effects of the deceased. Upon neglect or refusal to make such return,
8 he shall, after citation, be liable to attachment.

Sec. 1205. RIGHTS OF SURVIVING PARTNER—ACCOUNT.] Such surviving part-
2 ner or partners shall have the right to continue in possession of the effects of the
3 partnership, pay its debts out of the same, and settle its business, but shall pro-
4 ceed thereto without delay, and shall account with the executor or administrator,
5 and pay over such balances as may, from time to time, be payable to him in the
6 right of his testator or intestate. Upon the application of the executor or ad-
7 ministrator, the county court or probate court may, whenever it may appear
8 necessary, order such surviving partner to render an account to said county court
9 or probate court, and in case of neglect or refusal may, after citation, compel the
10 rendition of such account by attachment.

Sec. 1206. WASTE—CITATION—SECURITY—COSTS.] Upon the committal of
2 waste by the surviving partner or partners, the court may, upon proper applica-
3 tion, under oath, setting forth specifically the facts and circumstances relied on,
4 protect the estate of the deceased partner, by citing forthwith the surviving part-
5 ner or partners to give security for the faithful settlement of the affairs of the
6 co-partnership, and for his accounting for and paying over to the executor or ad-
7 ministrator of the deceased whatever shall be found to be due, after paying part-
8 nership debts and costs of settlement, within such time as shall be fixed by the
9 court. The giving of such security may be enforced by attachment, or, upon re-
10 fusals to give such security, the court may appoint a receiver of the partnership
11 property and effects, with like powers and duties of receivers in courts of equity;
12 the costs of proceedings under this section to be paid by the executor or admin-
13 istrator, out of the estate of the deceased, or by the surviving partner, or partly
14 by each, as the court may order.

Sec. 1207. PUBLIC SALE—NOTICE—PRIVATE SALE.] When it is necessary for the
2 proper administration of the estate, the executor or administrator shall, as soon

3 as convenient, after making the inventory, sell at public sale all the personal
 4 property, goods and chattels of the decedent, when ordered to do so by the county
 5 court or probate court (not reserved to the widow, or included in specific
 6 legacies and bequests, when the sale of such legacies and bequests is not neces-
 7 sary to pay debts), upon giving three weeks' notice of the time and place of
 8 such sale, by at least four advertisements, set up in the most public places in the
 9 county where the sale is to be made, or by inserting an advertisement in some
 10 newspaper published in the county where the sale is to be made, at least four
 11 weeks successively previous thereto. The sale may be upon a credit of not less
 12 than six nor more than twelve months' time, by taking note with good security of
 13 the purchasers at such sale. The sale may be for all cash, or part cash and part
 14 on time: *Provided*, that any part or all of such personal property may, where so
 15 directed by the court, be sold at private sale.

Sec. 1208. DISTRIBUTION IN KIND.] If any testator directs that his estate
 2 shall not be sold, the same shall be preserved in kind, and distributed according-
 3 ly, unless such sale becomes absolutely necessary for the payment of the debts
 4 and charges against the estate of such testator, or if the sale of the personal
 5 property is not necessary for the payment of debts or legacies, or the proper
 6 distribution of the effects of the estate, the court may order that the property
 7 be preserved and distributed in kind.

Sec. 1209. GROWING CROPS.] If any executor or administrator is of opinion
 2 that it would be of advantage to the estate of the decedent to dispose of the crop
 3 growing, and not devised at the time of his decease, the same shall be inven-
 4 toried and sold, in like manner as other personal property; but the executor or
 5 administrator may, if he believes it would be of more advantage to the estate, cul-
 6 tivate such crop to maturity, and the proceeds of such crop, after deducting all
 7 necessary expenses for cultivating, gathering and making sale of the same, shall

8 be assets in his hands, and subject to the payment of debts and legacies, and to
9 distribution as aforesaid.

Sec. 1210. CLERK—CRIER.] In all public sales of such property the executor
2 or administrator may employ necessary clerks, who shall receive such compensa-
3 tion as the court may deem reasonable for their services, not exceeding five dol-
4 lars per day, and also a crier or auctioneer who shall receive such compensation
5 as the court may deem reasonable, not exceeding ten dollars per day, to be paid
6 by such executor or administrator and charged to the estate.

Sec. 1214. BILL OF SALES—RETURN.] All executors and administrators shall
2 immediately after making such sales, make, or cause to be made, a bill of the
3 sales of said estate, under oath, describing particularly each article of property
4 sold, to whom sold, and at what price; which sale bill, when thus made and certi-
5 fied by the clerk of such sale and the crier thereof, if any such was employed, as
6 true and correct, shall be returned into the office of the clerk of the county court in
7 the like time as is required in cases of inventories.

Sec. 1212. SALE OF REAL ESTATE PURSUANT TO WILL—SURVIVING EXECUTOR.] In
2 all cases where power is given in any will to sell and dispose of any real estate
3 or interest therein and the same is sold in the manner and by the persons ap-
4 pointed in such will the sale shall be good and valid; and where one or more ex-
5 ecutors shall fail or refuse to qualify or depart this life before such sales are
6 made, the survivor or survivors shall have the same power and their sales shall
7 be as good and valid as if they all joined in such sales.

Sec. 1213. SALE OF REAL ESTATE TO PAY DEBTS.] When the executor or admin-
2 istrator has made a just and true account of the personal estate and debts to
3 the county court or probate court and it is ascertained that the personal estate
4 of a decedent is insufficient to pay the just claims against his estate, and there is
5 real estate to which such decedent had claim or title, such real estate, or such

6 portion thereof as may be necessary to satisfy the indebtedness of such decedent
 7 and the expenses of administration may be sold in the manner hereinafter pro-
 8 vided.

Sec. 1214. HOW PROCEEDING COMMENCED—BILL—PARTIES.] A proceeding for
 2 the sale of real estate for the payment of debts shall be commenced by the filing
 3 of a bill, to be known as a bill for the sale of real estate, in the county court or
 4 probate court of the county in which the certificate of administration has been
 5 granted. The plaintiff in such bill shall be the executor or administrator and
 6 the defendants shall be the widow, heirs, and devisees of the testator or intestate,
 7 the guardian of any such as are minors, the conservators of such as have conver-
 8 sors and all other persons holding liens against the real estate sought to be sold
 9 or any part thereof, or having or claiming any interest therein in possession or
 10 otherwise. If there are persons interested in such real estate whose names are
 11 not known they shall be made parties by the name of unknown owners thereof
 12 or unknown heirs or devisees of any deceased person who may have been inter-
 13 ested therein.

Sec. 1215. REQUISITES OF BILL—FORM.] The bill shall specify the court in
 2 which the action is pending, the names of the parties thereto and the number and
 3 classification thereof and shall contain an introduction stating that the plaintiff
 4 brings his action in equity for the sale of real estate to pay debts against the de-
 5 fendants and thereafter a narrative of the material facts, matters and circum-
 6 stances on which the plaintiff relies, such narrative to be divided into paragraphs
 7 numbered consecutively and each paragraph to contain, as nearly as may be, a
 8 separate and distinct allegation, and to conform in other respects to the provi-
 9 sions of this act pertaining to the framing of bills of complaint in equity. It shall
 10 state the amount of claims allowed, with an estimate of the amount of just claims
 11 to be presented, and it shall also contain a statement of the amount of personal
 12 estate which has come to the hands of the plaintiff as executor or administrator

13 and the manner in which he has disposed of the same, with a statement of the
14 amount of claims paid, a particular description of the real estate to be sold,
15 and the nature and extent of all liens upon said real estate and of all adverse
16 claims of every kind and character asserted thereto, so far as the same may be
17 known to the plaintiff; it shall be signed by the plaintiff as executor or adminis-
18 trator and verified by his affidavit. The following shall be deemed a sufficient
19 form of bill and shall be taken as a suggestion from which other bills may be prop-
20 erly framed:

21 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

22	John Doe, as Administrator of	} Sale of Real Estate to	
23	Estate of William Doe, de-		} pay Debts. No. 75.
24	ceased		
25	v.		
26	Henry Doe, Jane Doe, Richard		
27	Roe and Thomas Jones.		

28 BILL FOR SALE OF REAL ESTATE.

29 The plaintiff brings this his action in equity for the sale of real estate
30 against the defendants and says:

- 31 1. William Doe died January 15, 1907, in Cook county, Illinois, intestate
32 and a resident of said Cook county.
- 33 2. On February 15, 1907, plaintiff was duly appointed administrator of the
34 estate of said William Doe by the probate court of Cook county and since then and
35 down to the present time has acted as such administrator.
- 36 3. Plaintiff has made a just and true account of the personal estate and
37 debts to said probate court from which it appears that the personal estate amounts
38 to \$4,700 and the debts to \$15,000.
- 39 4. Said William Doe at the time of his death was seized in fee simple of the
40 south-west quarter of section four (4), township thirteen (13) north of range five
41 (5) east of the Third Principal Meridian in said Cook county.

42 5. The heirs at law of said William Doe and their relationship to him are as
43 follows:

44 Jane Doe, widow.

45 Henry Doe, son.

46 John Doe, the plaintiff, son.

6. The defendants Richard Roe and Thomas Jones claim some interest in
said real estate, but the plaintiff says that such interest, whatever it may be, is
subject and inferior to the title of said William Doe.

50 Wherefore plaintiff prays as follows:

51 *First*—For a decree for the sale of said real estate.

52 *Second*—For general relief.

53 JOHN DOE,

54 *As Administrator of the Estate of William Doe, deceased,*

55

By SOLOMON SMITH,

56 *His Attorney.*

57 John Doe on his oath says that the foregoing petition by him subscribed is
58 true. JOHN DOE.

59 Subscribed and sworn to before me this 10th day of February, 1908.

60 SAMUEL JONES, *Clerk.*

Sec. 1216. SUBSEQUENT PROCEDURE TO BE SAME AS IN EQUITY.] All proceedings
2 under such bill after the filing of the same, including the issuance and service of
3 summons or publication of notice, the filing and disposition of exceptions, demur-
4 rers, pleas, answers, amendments, supplemental bills, cross-bills and bills of in-
5 tervention, the forms and effect of orders, decrees and reports of proceedings, and
6 also including references to masters in chancery, shall be the same, as near as
7 may be, as is prescribed in this act for actions in equity. The masters in chan-
8 cery of the circuit courts of the respective counties, and, in Cook county, the mas-
9 ters in chancery of the superior court of Cook county, shall be ex officio masters

10 in chancery of the county and probate courts of such counties, and shall per-
 11 form the duties of such masters in all actions in said courts the procedure in
 12 which is required by this act to conform, as near as may be, to the procedure in
 13 actions in equity.

Sec. 1217. POWER OF COURT AS TO MORTGAGES, LIENS, PRIORITIES, CONFLICTING
 2 TITLES, ETC.] The court in any such proceeding may direct the sale of such real
 3 estate disencumbered of all mortgage, judgment or other money liens that are
 4 due, and may provide for the satisfaction of all such liens out of the proceeds of
 5 the sale and may also settle and adjust all equities and all the questions of prior-
 6 ity between all parties interested therein, and may also investigate and determine
 7 all questions of conflicting and controverted titles arising between any of the
 8 parties to such proceeding, and may remove clouds from the title to any real es-
 9 tate sought to be sold and invest purchasers with a good and indefeasible title
 10 to the premises sold. The court may, with the assent of any mortgagee of the
 11 whole or any part of such estate whose debt is not due, sell such real estate dis-
 12 encumbered of such mortgage and provide for the payment of such mortgage
 13 out of the proceeds of such sale; and may also, with the assent of the person
 14 entitled to an estate in dower, or by the courtesy, or for life, or for years or of
 15 homestead, to the whole or part of the premises, who is a party to the action,
 16 sell such estate with the rest; but such assent shall be in writing and signed by
 17 such person and filed in the court wherein the said proceedings are pending.
 18 When any such estate is sold the value thereof shall be ascertained and paid over
 19 in gross or the proper proportion of the funds invested and the income paid over
 20 to the party entitled thereto during the continuance of the estate.

Sec. 1218. HEARING—DECREE OF SALE OVERPLUS.] Upon the hearing of the
 2 action upon the issues formed or taken, the court shall hear and examine the al-
 3 legations and proofs of the parties and of all other persons interested in the es-
 4 tate who may appear and become parties; and if, upon due examination, the

5 court shall find that the executor or administrator has made a just and true ac-
 6 count of the condition of the estate and that the personal estate of the decedent is
 7 not sufficient to pay the debts against such estate, the court shall ascertain, as
 8 nearly as may be, the amount of the deficiency and how much of the real estate
 9 described in the petition it is necessary to sell to pay such deficiency, with the ex-
 10 penses of administration then due or to accrue, and make a decree for the sale
 11 thereof: *Provided, however,* that where any houses and lots or other real estate
 12 are so situated that a part thereof cannot be sold without manifest prejudice to
 13 the heirs, devisees or owners, the court may order the sale of the whole, or such
 14 part as it may deem best, and the overplus arising from such sale shall be dis-
 15 tributed among the heirs, devisees, owners or such other persons as may be en-
 16 titled thereto.

Sec. 1219. SALES TO BE MADE BY EXECUTOR OR ADMINISTRATOR—CONVEYANCES.]

2 All such sales of real estate shall be made and conveyances executed for the
 3 same by the executor or administrator applying for such order and shall be valid
 4 and effectual against the heirs and devisees of such decedent and all other per-
 5 sons claiming by, through or under him or them. In case of the death of the ex-
 6 ecutor or administrator applying for an order of sale before conveyance is made,
 7 the administrator de bonis non shall proceed in the premises and make convey-
 8 ance in the same manner as if he had originally applied for such order; which
 9 conveyance shall be good and valid.

Sec. 1220. NOTICE—PENALTY—RETURN—CONFIRMATION.] No lands or tene-

2 ments shall be sold by virtue of any such order of the county court or probate
 3 court, unless such sale is at public vendue, and between the hours of ten o'clock
 4 in the forenoon and five o'clock in the afternoon of the same day, nor unless
 5 the time, place and terms of holding such sale shall have been previously pub-
 6 lished for the space of four weeks, by putting up notices thereof in at least four
 7 of the most public places in the county where such real estate shall be sold, and

8 also by causing a similar notice thereof to be published four successive weeks
 9 prior to the sale, in some newspaper published in such county, or, if there be no
 10 such newspaper, then in such other newspaper in this state as the court shall di-
 11 rect, nor unless such real estate shall be described with common certainty in
 12 such notices. And if any executor or administrator, so ordered to make sale of
 13 any real estate, shall sell the same contrary to the provisions of this act, he shall
 14 forfeit and pay the sum of five hundred dollars, to be recovered by an action of
 15 debt, in the name of the People of the State of Illinois, for the use of any per-
 16 son interested, who may prosecute the same: *Provided*, that no such offense shall
 17 affect the validity of such sale: *And provided further*, that such executor or ad-
 18 ministrator may sell the same on a credit of not less than six, nor more than
 19 twelve months, by taking notes, with good personal security, and a mortgage, on
 20 the premises sold, to secure the payment of the purchase money. It shall be the
 21 duty of the executor or administrator making such sale, on or before twenty days
 22 thereafter, to file in the office of the clerk of said court a complete report of said
 23 sale, giving a description of the premises sold, to whom, where, and upon what
 24 terms sold, in substantially the same form as is required by this act for a report
 25 of sale made by a master in chancery in an action in equity, and the same pro-
 26 ceedings may be had upon such report as in case of a report of sale by a master
 27 in chancery.

Sec. 1221. PROCEEDS OF SALE.] When real estate is sold, the moneys arising
 2 from such sale shall be received by the executor or administrator applying for the
 3 order to sell, and shall be assets in his hands for the payment of debts, and shall
 4 be applied in the same manner as assets arising from the sale of personal prop-
 5 erty.

Sec. 1222. SALE OF LAND NOT FULLY PAID FOR—COMPLETING PURCHASE.] In all
 2 cases where a decedent is seized of a legal or equitable title to real estate, the
 3 payment whereof has not been completed, and the estate of such decedent is un-

4 able to make complete payment therefor, with advantage to such estate, the ad-
 5 ministrator or executor may sell or dispose of such real estate upon the order of
 6 the county court or probate court and the money arising from such sale shall be
 7 assets in the hands of such executor or administrator, as in other cases. But in
 8 all cases where the estate of any such decedent shall be solvent, and such lands
 9 as aforesaid may be paid for without prejudice to the creditors, heirs and devisees
 10 of the estate, the executor or administrator shall complete the payment for the
 11 same out of the proceeds of the personal property, in the name of the heirs or
 12 legal representatives of the decedent entitled thereto; and he shall be allowed a
 13 credit for the amount of such payments, and all reasonable expenses incurred in
 14 making the same, upon final settlement of such estate: *Provided*, that the pro-
 15 visions of this section shall, in nowise, interfere with the provisions of any last
 16 will or testament.

Sec. 1223. SETTLEMENTS ENFORCED—CONTEMPTS—INTEREST ON ASSETS.] The
 2 county courts and probate courts of this state shall enforce the settlements of es-
 3 tates within the time prescribed by law, and upon the failure of an executor or
 4 administrator to make settlement within thirty days after the expiration of said
 5 time, the court shall order a citation to issue to said executor or administrator
 6 requiring him to appear at a time to be specified in such citation before the court
 7 and make settlement of the estate, or show cause why the same is not done;
 8 and if an executor or administrator fails to appear at the time required by such
 9 citation, the court shall order an attachment requiring the sheriff of the county
 10 where the executor or administrator resides, or may be found, to bring the body
 11 of said executor or administrator before the court; and upon a failure of an ad-
 12 ministrator or executor to make settlement under the order of the court after
 13 having been so attached, he may be dealt with as for contempt, and shall be
 14 forthwith removed by the court, and some discreet person appointed in his stead,
 15 the costs of such citation or attachment to be paid by the delinquent executor or

16 administrator, and the court shall enter a judgment therefor, and a fee bill may
 17 issue thereon. All moneys, bonds, notes and credits which any administrator or
 18 executor may have in his possession or control as property or assets of the es-
 19 tate, at a period of two years and six months from the date of his certificate of
 20 administration, shall bear interest, and the executor or administrator shall be
 21 charged interest thereon from said period at the rate of ten per cent., or after
 22 two years and six months from any subsequent time that he may have discovered
 23 and received the same, unless good cause is shown to the court why such inter-
 24 est should not be taxed.

Sec. 1224. FAILURE TO PAY OVER.] If any executor or administrator shall
 2 fail or refuse to pay over any moneys or dividends to any person entitled there-
 3 to, in pursuance of the order of the county court or probate court, lawfully made,
 4 within thirty days after demand made for such moneys or dividends, the court,
 5 upon application, may attach such delinquent executor or administrator, and may
 6 cause him to be imprisoned until he shall comply with the order aforesaid, or un-
 7 til such delinquent is discharged by due course of law; and moreover, such fail-
 8 ure or refusal on the part of such executor or administrator shall be deemed and
 9 taken in law to amount to a devastavit, and an action upon such executor's or
 10 administrator's bond, and against his securities, may be forthwith instituted and
 11 maintained; and the failure aforesaid to pay such moneys or dividend, shall be a
 12 sufficient breach to authorize a recovery thereon.

Sec. 1225. ANNUAL AND FINAL SETTLEMENTS—NOTICE TO HEIRS.] All execu-
 2 tors and administrators shall exhibit accounts of their administration for settle-
 3 ment, to the county court or probate court from which the certificate of adminis-
 4 tration was obtained, at the first term thereof after the expiration of one year
 5 after the date of their certificate and in like manner every twelve months there-
 6 after, or sooner, if required, until the duties of their administration are fully
 7 completed: *Provided*, that no final settlement shall be made and approved by the

8 court, unless the heirs of the decedent have been notified thereof, in such manner
9 as the court may direct.

Sec. 1226. DISTRIBUTION.] Upon every such settlement of the accounts of
2 an executor or administrator, the court shall ascertain the whole amount of mon-
3 eys and assets belonging to the estate of the deceased, which have come into
4 the hands of such executor or administrator, and the whole amount of debts es-
5 tablished against such estate; and if there is not sufficient to pay the whole of the
6 debts, the moneys aforesaid shall be apportioned among the several creditors pro
7 rata, according to their several rights, as established by this act; and thereupon
8 the court shall order such executor or administrator to pay the claims which have
9 been allowed by the court, according to such apportionments. And the court,
10 upon every settlement, shall proceed in like manner until all the debts are paid,
11 or the assets exhausted.

Sec. 1227. PAYMENT OF LEGACIES.] Whenever it shall appear that there are
2 sufficient assets to satisfy all demands against the estate, the court shall order
3 the payment of all legacies mentioned in the will of the testator, the specific lega-
4 cies being the first to be satisfied.

Sec. 1228. BOND FROM LEGATEES, ETC.] Executors and administrators shall
2 not be compelled to pay legatees or distributees until bond and security is given
3 by such legatees or distributees to refund the due proportion of any debt which
4 may afterwards appear against the estate, and the costs attending the recovery
5 thereof; such bond shall be made payable to such executor or administrator, and
6 shall be for his indemnity and filed in the court.

Sec. 1229. REFUNDING BY LEGATEES, ETC.] When, at any time after the pay-
2 ment of legacies or distributive shares, it shall be necessary that the same or any
3 part thereof be refunded for the payment of debts, the county court or probate
4 court, on application made, shall apportion the same among the several legatees

5 or distributees according to the amount received by them, except the specific lega-
 6 cies, which shall not be required to be refunded, unless the residue is insufficient
 7 to satisfy such debts; and if any distributee or legatee refuses to refund accord-
 8 ing to the order of the court, within sixty days thereafter, and upon demand
 9 made, such a refusal shall be deemed a breach of his bond given to the executor
 10 and administrator as aforesaid, and an action may be instituted thereon for the
 11 use of the party entitled thereto; and in all cases where there is no bond, an
 12 action may be maintained against such distributee or legatee, and the order of the
 13 court shall be evidence of the amount due.

Sec. 1230. ACTIONS BETWEEN EXECUTORS, ETC.] Where there are two or more
 2 executors or administrators of an estate, and any one of them takes all or a
 3 greater part of such estate and refuses to pay the debts of the decedent, or re-
 4 fuses to account with the other executor or administrator, in such case the ex-
 5 ecutor or administrator so aggrieved may have his action in equity against such
 6 delinquent executor or administrator, and recover such proportionate share of
 7 said estate as shall belong to him; and every executor, being a residuary legatee,
 8 may have an action in equity against his co-executor or co-executors and recover
 9 his part of the estate in his or their hands. Any other legatee may have the like
 10 remedy against the executors: *Provided*, that before any action shall be com-
 11 menced for legacies as aforesaid, the court shall order them to be paid.

Sec. 1231. JURISDICTION OVER ADMINISTRATION OF ESTATES TO INCLUDE ADMINIS-
 2 TRATION OF TESTAMENTARY TRUSTS, ETC.] The jurisdiction of county courts and
 3 probate courts over the administration of the estates of deceased persons shall
 4 include jurisdiction to enforce and administer testamentary trusts and super-
 5 vise the accounts of trustees and to direct and control them in the exercise of
 6 their powers and the performance of their duties as such trustees, and also
 7 to order the sale of real estate of the testator for the payment of legacies or
 8 other charges and in all cases where the court shall find it necessary or expedi-

ent, for the complete execution of the will of the testator and the equitable distribution of his estate in accordance therewith, that such real estate or part thereof be sold. The jurisdiction provided for in this section shall be co-extensive with that heretofore exercised by courts of equity in similar cases, the same, however, not to be exclusive of, but merely concurrent with, that exercised by the courts of this State having equity jurisdiction. The methods of procedure in such cases in county courts and probate courts shall be the same as that in courts exercising equity jurisdiction.

Sec. 1232. JURISDICTION OF ACTIONS FOR CONSTRUCTION OF WILLS.] All courts having equity jurisdiction, and also county courts and probate courts, shall have power to entertain and determine actions in equity for the construction of any last will and testament, and to declare the rights of all persons interested therein whenever controversies have arisen or are likely to arise respecting the construction thereof which render it expedient or advantageous to any person interested therein that the construction and effect of such last will and testament should be settled and determined. The procedure in such cases shall be the same as in other actions in equity.

Sec. 1233. WHEN AND HOW MORTGAGE OR LEASE OF REAL ESTATE BY EXECUTORS MADE.] Real estate may be mortgaged in fee or for a term of years, or leased by executors: *Provided*, that the term of such lease, or the time of maturity of the indebtedness secured by such mortgage, shall not be extended beyond the time when the heir entitled to such estate shall attain the age of twenty-one years, if a male, or eighteen years, if a female: *And, provided, also*, that before any mortgage or lease shall be made, the executors shall petition the county court or probate court for an order authorizing such mortgage or lease to be made, and which the court may grant, if the interests of the estate may require it. *Provided, further*, that the executor making application as aforesaid, upon obtaining such order, shall enter into bond, with good security, faithfully to apply the

12 moneys to be raised upon such mortgage or lease, to the payment of the debts
 13 of the testator; and all money so raised shall be assets in the hands of such ex-
 14 ecutor for the payment of debts, and shall be subject to the order of the court
 15 in the same manner as other assets.

Sec. 1234. FORECLOSURES.] Foreclosures of such mortgages shall only be
 2 made by an action in equity in the county court or probate court of the county in
 3 which the premises, or a major part thereof, are situated; and any sale made by
 4 virtue of any order or decree of foreclosure, may, at any time before confirma-
 5 tion, be set aside by the court for inadequacy of price or other good cause, and
 6 shall not be binding upon the executor until confirmed by the court. The pro-
 7 cedure in such action shall be the same, as near as may be, as is provided by this
 8 act for other actions in equity, excepting as may be in this act expressly other-
 9 wise provided.

Sec. 1235. NO STRICT FORECLOSURE.] No decree of strict foreclosure shall be
 2 made upon any such mortgage, but redemption shall be allowed as is provided by
 3 law in cases of sales under executions issued upon judgments in actions at law.

Sec. 1236. WHAT ACTIONS SURVIVE.] In addition to the actions which sur-
 2 vive by the common law, the following shall also survive: Actions of replevin,
 3 actions to recover damages for an injury to the person, actions to recover dam-
 4 ages for an injury to real or personal property, or for the detention or conver-
 5 sion of personal property, and actions against officers for misfeasance, malfea-
 6 sance or nonfeasance of themselves or their deputies, all actions for fraud or
 7 deceit, all actions in equity and all other actions provided for by this act, other
 8 than criminal and quasi criminal actions.

Sec. 1237. WHEN EXECUTOR, ETC., APPEALS, ETC.—BOND.] In all cases when
 2 an executor or administrator shall take an appeal from the judgment, decree or
 3 order of any court or justice of the peace to the county, circuit, appellate or su-

preme court, or when he may prosecute writs of error or certiorari, the appeal, certiorari, supersedeas or other bond, if any, shall be conditioned to perform the judgment or decree, and pay the costs and damages, in due course of administration; in all other respects such bonds shall be in the form prescribed by law in other cases.

Sec. 1238. MISTAKE, ETC.] No executor or administrator, or his security, shall be chargeable beyond the assets of the testator or intestate, by reason of any omission or mistake in pleading, or by false pleading of such executor or administrator.

Sec. 1239. CONTRACTS OF DECEDENT.] All contracts made by the decedent may be performed by the executor or administrator when so directed by the county court or probate court.

Sec. 1240. BOOKS OF ACCOUNT.] The books of account of any deceased person shall be subject to the inspection of all persons interested therein, and the county court or probate court may make all proper or necessary orders in reference to such inspection.

Sec. 1241. INSOLVENT ESTATE.] If, after the expiration of two years from the time administration is granted on an estate, such estate is found to be insolvent, it shall be so entered of record by the county court or probate court, and such order being made, no action shall be maintained against the executor or administrator of such estate, except at the costs of the party suing; but persons entitled thereto shall receive their proportions of such estate as herein provided.

Sec. 1242. SALE TO PAY DEBTS—COERCED.] Whenever real estate is required to be sold for the payment of debts, the court may make all necessary orders to coerce the executor or administrator to make immediate application for an order to sell such real estate

Sec. 1243. POWER OF COURT.] County courts and probate courts shall have
 2 power to enforce due observance of all orders, decisions, judgments and decrees
 3 made by them in discharge of their duties under this act; and they may issue at-
 4 tachments for contempt offered such courts or its process, by any executor, ad-
 5 ministrator, witness or other person; and may fine and imprison, or either, all
 6 such offenders, in like manner as the circuit courts may do in similar cases.

Sec. 1244. SHERIFF'S DUTIES—FEES.] The sheriff shall, when required by
 2 the court, attend all sessions of said court, either by himself or deputy, and shall
 3 preserve good order in the court, and execute all writs of attachment, summonses,
 4 subpœnas, citations, notices and other processes which may, at any time, be
 5 legally issued by such court, and which may be delivered to him for such service
 6 or execution, and make return thereof. And such sheriff shall be entitled to the
 7 same fees as he is allowed for similar services in the circuit court. But every sum-
 8 mons, subpœna, citation and notice issued by a county court or probate court in
 9 any action or proceeding within the jurisdiction of such county court or probate
 10 court, may likewise be served by any person above the age of eighteen years, not
 11 a party to the proceeding in which the same is issued.

Sec. 1245. COMPENSATION OF EXECUTORS, ETC.] Executors and administra-
 2 tors shall be allowed as compensation for their services a sum not exceeding six
 3 per centum on the amount of personal estate, and not exceeding three per centum
 4 on the money arising from the sale of real estate, with such additional allow-
 5 ances for costs and charges in collecting and defending the claims of the estate
 6 and disposing of the same, as shall be reasonable.

Sec. 1246. ACT CONSTRUED.] All the provisions in this act relative to an ex-
 2 ecutor or administrator shall apply and extend to an executrix or administra-
 3 trix, or executors or administrators, and vice versa, unless otherwise expressly
 4 provided for; and whenever the singular number or the masculine gender is
 5 mentioned, the provisions shall apply to two or more, and to the feminine gender,

6 as the case may require; and this act shall be liberally construed so that its true
7 intent and meaning may be fully carried out.

Sec. 1247. UNCLAIMED MONEY TO BE DEPOSITED.] When any administrator or
2 executor shall have made final settlement with the county court or probate court, it
3 shall be the duty of the court to order said administrator or executor to deposit
4 with the county treasurer such moneys as he may have belonging to any non-resi-
5 dent or unknown heir or claimant, taking his receipt therefor and have the same
6 filed at the office of the clerk of the county court or probate court where such set-
7 tlement has been made.

Sec. 1249. HOW OBTAINED AFTER DEPOSITED.] When money shall be deposited
2 as aforesaid, the person or persons entitled to the same may at any time apply to
3 the court making said order and obtain the same upon making satisfactory proof
4 to the court of his, her or their right thereto.

Sec. 1249. TESTAMENTARY TRUSTEE—COMPENSATION OF.] Where a trustee or
2 trustees shall hereafter act under any power or appointment given or created by
3 any will, testament or codicil, and in such will, testament or codicil, except in case
4 of trusts for charitable, religious or educational purposes, shall be contained no
5 provision respecting the compensation to be allowed or paid such trustee or
6 trustees, a reasonable compensation may be charged and allowed, demanded and
7 collected therefor.

Sec. 1250. PAYMENT OF TAXES BY EXECUTOR OR ADMINISTRATOR.] When it shall
2 appear to the county or probate court that it is for the interest of any estate being
3 administered upon that the taxes on the real estate of such estate should be paid
4 out of any moneys on hand, the court may enter an order authorizing the exec-
5 utor or administrator of such estate to pay such taxes.

Sec. 1251. BLANK FORMS TO BE PREPARED.] It shall be the duty of the Attor-
2 ney General, immediately upon the taking effect of this act, to prepare, or cause

3 to be prepared, suitable forms, in addition to those prescribed by this act, of
 4 papers to be used in administration proceedings, guardianship proceedings and
 5 conservatorship proceedings, which shall be uniform, as near as may be, through-
 6 out the State, and submit the same to the judges of the supreme court for their
 7 approval, and the forms so prepared and approved shall be adopted and used by
 8 all courts of this State exercising jurisdiction in such proceedings.

DIVISION LIII.

APPOINTMENT OF GUARDIANS AND SETTLEMENT OF THEIR ACCOUNTS.

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- 1252. When persons of full age.
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- 1302. To take an oath—form of.
- 1303. When guardian fails to qualify.
- 1304. Public guardian—when appointed by the court.
- 1305. Bond of public guardian.

Sec. 1252. WHEN PERSONS OF FULL AGE.] Males of the age of twenty-one,
 2 and females of the age of eighteen years shall be considered of full age for all pur-
 3 poses; and until these ages are attained they shall be considered minors.

Sec. 1253. APPOINTMENT—JURISDICTION.] The county courts or probate
 2 courts in their respective counties may, when it shall appear necessary or conve-
 3 nient, appoint guardians to minors, inhabitants of or residents in the same
 4 county, and to such as reside out of this state, and have an estate within the same,
 5 in the county where the real estate or some part thereof may lie; or, if they
 6 have no real estate, then in any county where they may have personal property.

Sec. 1254. NOMINATION.] If a minor is under the age of fourteen years,
 2 the county court or probate court may nominate and appoint his guardian. If he
 3 is above that age he may nominate his own guardian, who, if approved by the
 4 court, shall be appointed accordingly; if not approved by the court, or if the
 5 minor resides out of the state, or if, after being cited, he neglects to nominate a
 6 suitable person, the court may nominate and appoint his guardian in the same
 7 manner as if he was under the age of fourteen years: *Provided*, that in all cases
 8 when a guardian has been appointed by the court while the minor was under the

9 age of fourteen years, such minor, on attaining the age of fourteen years, may,
 10 at his election, nominate his own guardian, who shall be appointed by the court,
 11 if deemed a suitable person, and the new guardian so appointed shall supersede
 12 the former one, whose functions shall thenceforth cease and determine; and it
 13 shall be the duty of the former guardian to deliver up to his successor all the
 14 goods, chattels, moneys, title papers and other effects belonging to such minor in
 15 like manner and subject to the same penalties as are provided in this act, upon
 16 the removal, death or resignation of a guardian.

Sec. 1255. CUSTODY, ETC.—ESTATE.] The guardian of a minor shall have,
 2 under the direction of the court, the custody, nurture and tuition of his ward,
 3 and the care and management of his estate; but the parents of the minor, if liv-
 4 ing, and in case of the death of either of the parents, the surviving parent, they
 5 being respectively competent to transact their own business, and fit persons, shall
 6 be entitled to the custody of the person of the minor and the direction of his edu-
 7 cation. The parents of a minor shall have equal powers, rights and duties con-
 8 cerning the minor. In case the father and mother live apart, the court may, for
 9 good reason, award the custody and education of the minor to either parent or
 10 to some other person. Whenever any person or persons makes a settlement
 11 upon or provision for the support or education of any minor child, it shall be
 12 competent for the court, in case either the father or the mother of such child be
 13 dead, to make such order in relation to the visitation of such minor child by the
 14 person or persons so making such settlement or provision as shall to the court
 15 seem meet and proper.

Sec. 1256. TESTAMENTARY GUARDIAN.] The father, being of sound mind and
 2 memory, of a child likely to be born, or of any living child, being a minor and
 3 unmarried, may, by his last will, dispose of the custody and tuition of such
 4 child, to continue during its minority, or for a less time: *Provided*, no such will
 5 shall take effect to deprive the mother during her life, of the custody and tuition

6 of the child, without her consent, if she be a fit and competent person to have
 7 such custody and tuition. The mother, being of sound mind and memory, and
 8 being sole, or surviving the father of her child, may, in like manner, dispose of
 9 the custody and tuition of such child.

Sec. 1257. ESTATE—CUSTODY.] The guardianship of the infant's estate may
 2 be appointed to one, and the custody and tuition of the minor to another.

Sec. 1258. POWERS AND DUTIES OF TESTAMENTARY GUARDIAN.] A testamentary
 2 guardian shall have the same powers and perform the same duties, within the
 3 scope of his appointment, as a guardian appointed by the county court, or probate
 4 court.

Sec. 1259. TESTAMENTARY GUARDIAN—APPOINTMENT—BOND.] A testamentary
 2 guardian, except for the custody and tuition of the minor, shall, before he can
 3 act, be appointed by the county court or probate court of the proper county and
 4 give the bond prescribed in this act—except, that when the testator has requested
 5 in his will that a bond be not required, it shall not be required unless, from a
 6 change in the situation or circumstances of the guardian, or for other sufficient
 7 cause, the court shall deem it necessary to require it.

Sec. 1260. APPLICATION FOR APPOINTMENT OF GUARDIAN—HEARING—FORMS OF
 2 PETITION.] Application for the appointment of a guardian may be made by peti-
 3 tion to the county court or probate court by any person related to, or otherwise
 4 interested in, the minor. Upon the petition being filed, unless the proper persons
 5 are before it, the court shall assign a day for the hearing thereof and shall di-
 6 rect such notice of the hearing to be given to the relatives of the minor residing
 7 in the county as the court, on due inquiry, may deem reasonable. The follow-
 8 ing forms of petition shall be deemed sufficient and shall be taken as furnishing
 9 suggestions from which other petitions may be properly framed:

10 1. PETITION FOR GUARDIANSHIP OF MINORS OVER FOURTEEN YEARS.

11 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

12 In the matter of John Doe }
 13 and Mary Doe. } Guardianship. No. 200.

14 PETITION FOR APPOINTMENT OF GUARDIAN.

15 The petitioners, John Doe and Mary Doe, say:

16 1. They are the children of William Doe, deceased.

17 2. They are now living in said county of Cook with their mother, Jane Doe,
 18 and they have no guardian.

19 3. The names and residences of their relatives are as follows:

20 Samuel Doe, a brother, 6315 Lexington Avenue, Chicago, Illinois.

21 Jane Doe, mother, 4450 Lake Avenue, Chicago, Illinois.

22 4. The ages of the petitioners are as follows:

23 John Doe, seventeen years on the 17th day of February, 1908.

24 Mary Doe, fifteen years on the 16th day of March, 1908.

25 5. The value of the personal estate of your petitioners does not exceed
 26 twenty thousand dollars (\$20,000) and the same consists of their distributive
 27 shares of the estate of said William Doe, deceased.

28 6. The value of the real estate of your petitioners does not exceed twenty-
 29 five thousand dollars (\$25,000) and the gross annual income thereof does
 30 not exceed twelve hundred dollars (\$1,200) and the same consists of the south-
 31 west quarter of the southeast quarter of section six (6), in township twenty-four
 32 (24) north of range fourteen (14) east of the 3rd P. M. in Cook county, Illinois.

33 7. The value of the improvements and timber on the real estate of your peti-
 34 tioners does not exceed five thousand dollars (\$5,000).

35 8. Your petitioners hereby select Jane Doe as their guardian and say that
 36 said Jane Doe is a suitable person to be appointed as such guardian and has sig-
 37 nified her willingness to act if appointed.

40 JOHN DOE.

41 MARY DOE.

42 John Doe and Mary Doe on their oaths say that the foregoing petition by
43 them subscribed is true to the best of their knowledge, information and belief.

44
JOHN DOE.

45 MARY DOE.

46 Subscribed and sworn to before me this 10th day of August, 1908.

47 SAMUEL JONES, *Clerk.*

48 2. PETITION FOR GUARDIANSHIP OF MINORS UNDER FOURTEEN YEARS.

49 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

50 In the matter of John Doe } Guardianship. No. 300.
51 and Mary Doe. }

52 PETITION FOR APPOINTMENT OF GUARDIAN.

53 The petitioner, Jane Doe, says:

- 54 1. John Doe and Mary Doe are children of William Doe, deceased.
55 2. They are now living in said county of Cook with the petitioner, their
56 mother, and they have no guardian.
57 3. The names and residences of their relatives are as follows:
58 Samuel Doe, a brother, 6315 Lexington Avenue, Chicago, Illinois.
59 Jane Doe, the petitioner, mother, 4450 Lake Avenue, Chicago, Illinois.
60 4. The ages of said children are as follows:
61 John Doe, eight years on the 17th day of February, 1908.
62 Mary Doe, twelve years on the 16th day of March, 1908.
63 5. The value of the personal estate of said children does not exceed twenty
64 thousand dollars (\$20,000) and the same consists of their distributive shares of
65 the estate of said William Doe, deceased.

6. The value of the real estate of said children does not exceed twenty-five thousand dollars (\$25,000) and the gross annual income thereof does not exceed twelve hundred dollars (\$1,200) and the same consists of the southwest quarter of the southeast quarter of section six (6), in township twenty-four (24) north of range fourteen (14) east of the Third P. M. in Cook county, Illinois.

7. The value of the improvements and timber on the real estate of said children does not exceed five thousand dollars (\$5,000).

8. Petitioner wishes to be appointed guardian of the estate of said children until they respectively arrive at the age of fourteen years and until another guardian shall be appointed.

Wherefore petitioner prays that she may be appointed as such guardian.

JANE DOE.

Jane Doe on her oath says that the foregoing petition by her subscribed is true to the best of her knowledge, information and belief.

JANE DOE.

Subscribed and sworn to before me this 10th day of August, 1908.

SAMUEL JONES, *Clerk*.

3. PETITION FOR APPOINTMENT OF TESTAMENTARY GUARDIAN.

IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

In the matter of John Doe } Guardianship. No. 500.
and Mary Doe. }

PETITION FOR APPOINTMENT AS TESTAMENTARY GUARDIAN.

The petitioner, Richard Roe, says:

1. John Doe and Mary Doe are children of William Doe, deceased.

2. They are now living in said county of Cook with their mother, Jane Doe, and they have no guardian.

3. The names and residences of their relatives are as follows:

Samuel Doe, a brother, 6315 Lexington Avenue, Chicago, Illinois.

Jane Doe, their mother, 4415 Lake Avenue, Chicago, Illinois.

95 4. The ages of said children are as follows:

96 John Doe, eight years on the 17th day of February, 1908.

97 Mary Doe, twelve years on the 16th day of March, 1908.

98 5. The value of the personal estate of said children does not exceed twenty
99 thousand dollars (\$20,000) and the same consists of their distributive shares of
100 the estate of said William Doe, deceased.

101 6. The value of the real estate of said children does not exceed twenty-five
102 thousand dollars (\$25,000) and the same consists of the southwest quarter of
103 the southeast quarter of section six (6) in township twenty-four (24) north of
104 range fourteen (14) east of the Third P. M. in Cook county, Illinois.

105 7. The value of the improvements and timber on the real estate of said chil-
106 dren does not exceed five thousand dollars (\$5,000).

107 8. Said William Doe, deceased, died testate and his will was probated in the
108 Probate Court of Cook county, July 1, 1908, and in his will he appointed the pe-
109 titioner guardian of said children.

110 9. The petitioner resides at 6375 Woodlawn Avenue, Chicago, Illinois.

111 Wherefore petitioner prays that he may be appointed as such guardian.

112 RICHARD ROE.

113 Richard Roe on his oath says that the foregoing petition by him subscribed
114 is true to the best of his knowledge, information and belief.

115 RICHARD ROE.

116 Subscribed and sworn to before me this 10th day of August, 1908.

117 SAMUEL JONES, *Clerk*.

Sec. 1261. BOND—ACTION ON BOND—FORMS.] The county court or probate
2 court shall take of the guardian of the estate, or of the person and estate, ap-
3 pointed by it a bond payable to the People of the State of Illinois with security
4 to be approved by the court in a reasonable amount, which shall in no case be
5 less than double the amount of the minor's personal estate and six times

6 the amount of the gross annual income of the minor's real estate: *Provided, how-*
 7 *ever,* that if such real estate is improved or is covered, in whole or in part, with
 8 timber, or is improved in part and in part covered with timber, the penal sum
 9 of said bond shall be increased by an amount at least double the value of the said
 10 improvements, or of said timber or both, as the case may be; and said bond
 11 shall be conditioned for the faithful performance by the guardian of all his du-
 12 ties as such guardian and that he will faithfully account for all property which
 13 may, or by the exercise of due diligence might have, come into his possession,
 14 custody or control as such guardian, and dispose of the same in the manner re-
 15 quired by law. When the guardian appointed is to be guardian of the person only
 16 of the minor the taking of the bond shall be in the discretion of the court, and
 17 when any such bond is required the penalty thereof shall be such as the court
 18 shall deem reasonable, and the same shall be conditioned for the faithful per-
 19 formance by the guardian of all his duties as such guardian and that he will faith-
 20 fully account for all property which may come into his hands as such guardian.

21 1. BOND OF GUARDIAN OF PERSON AND ESTATE.

22 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

23 In the matter of John }
 24 Doe and Mary Doe. } Guardianship. No. 200.

25 BOND OF GUARDIAN OF PERSON AND ESTATE.

26 KNOW ALL MEN BY THESE PRESENTS, That we, Jane Doe, as principal, and Wil-
 27 liam Doe and Henry Doe, as sureties, are held and firmly bound unto the People
 28 of the State of Illinois in the penal sum of fifty thousand dollars (\$50,000) for
 29 the payment of which well and truly to be made we bind ourselves, our heirs,
 30 executors, administrators and assigns, jointly and severally, firmly by these
 31 presents.

32 Witness our hands and seals this 10th day of February, 1908.

33 The condition of the above obligation is such that if the above bounden Jane
 34 Doe, who has been duly appointed by the probate court of Cook county, Illinois,

as the guardian of the persons and estates of John Doe and Mary Doe, shall faithfully perform all of her duties as such guardian and shall faithfully account for all property which may, or by the exercise of due diligence might have, come into her possession, custody or control as such guardian and dispose of the same in the manner required by law, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

JANE DOE. [SEAL.]

WILLIAM DOE. [SEAL.]

HENRY DOE. [SEAL.]

Approved by me this 10th day of February, 1908. HENRY JONES, *Judge*.

NOTE.

If the guardianship is one of the estates only the above form may be varied from by omitting therefrom the words "persons and."

2. BOND OF GUARDIAN OF PERSONS ONLY.

IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

In the matter of John }
Doe and Mary Doe. } Guardianship. No. 300.

BOND OF GUARDIAN OF PERSON.

KNOW ALL MEN BY THESE PRESENTS, That we, Jane Doe, as principal, and William Doe and Henry Doe, as sureties, are held and firmly bound unto the People of the State of Illinois in the penal sum of one thousand dollars (\$1,000) for the payment of which well and truly to be made we bind ourselves, our heirs, executors, administrators and assigns, jointly and severally, firmly by these presents.

Witness our hands and seals this 10th day of February, 1908.

The condition of the above obligation is such that if the above bounden Jane Doe, who has been duly appointed by the probate court of Cook county as the guardian of the persons of John Doe and Mary Doe, shall faithfully perform all of her duties as such guardian and shall faithfully account for all property which

63 may come into her hands as such guardian, then this obligation is to be void;
 64 otherwise the same is to be and remain in full force and effect.

65 JANE DOE. [SEAL.]

66 WILLIAM DOE. [SEAL.]

67 HENRY DOE. [SEAL.]

68 Approved by me this 10th day of February, 1908.

69 HENRY JONES, *Judge*.

Sec. 1262. CERTIFICATE OF GUARDIANSHIP.] Upon the appointment of any
 2 guardian by the county court or probate court the clerk of such court shall issue
 3 to such person, in lieu of the letters of guardianship heretofore in use, a certifi-
 4 cate of guardianship which may be in substantially the following form:

5 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

6 In the matter of John }
 7 Doe and Mary Doe. } Guardianship. No. 200.

8 CERTIFICATE OF GUARDIANSHIP.

9 This is to certify that Jane Doe of Cook county, Illinois, was on the 20th
 10 day of August, 1908, duly appointed by the probate court of said Cook county as
 11 guardian of the persons and estates of John Doe and Mary Doe and is duly
 12 authorized to exercise all the powers of such guardian.

13 Witness William Brown, clerk of our said probate court and the seal there-
 14 of at Chicago in said county, this 20th day of August, 1908.

15 WILLIAM BROWN, *Clerk*.

16 NOTE.

17 If the person appointed is to be guardian of the estates only of the minors
 18 the above form may be varied from by omitting therefrom the words "persons
 19 and." If the person to be appointed is to be guardian of the persons only of
 20 the minors the above form may be varied from by omitting therefrom the words
 21 "and estates."

Sec. 1263. INVENTORY.] The guardian shall, within sixty days after his ap-
 2 pointment, return to the court a true and perfect inventory of the real and per-
 3 sonal estate of the ward, signed by him and verified by his affidavit. As often
 4 as other estate shall thereafter come to his knowledge, he shall return an inven-
 5 tory thereof, within sixty days from the time the same shall come to his knowl-
 6 edge. Such inventory shall conform, as near as may be, to the requirements of
 7 this act with respect to the inventory of the estate of a deceased person.

Sec. 1264. SETTLEMENTS.] The guardian shall, at the expiration of a
 2 year from his appointment, settle his accounts as guardian with the county
 3 court or probate court and at least once every three years thereafter, and as
 4 much oftener as the court may require.

Sec. 1265. FINAL SETTLEMENT.] At the expiration of his trust he shall pay
 2 and deliver to those entitled thereto all the money, estate and title papers in his
 3 hands as guardian, or with which he is chargeable as such.

Sec. 1266. ACCOUNTING ON FINAL SETTLEMENT.] On any accounting and final
 2 settlement of the guardian he shall exhibit and file his account as such guardian
 3 setting forth specifically, in separate items, on what account expenditures were
 4 made by him, and all sums received and paid out since his last accounting, and
 5 of all money on hand, and an itemized account of all notes, bonds, accounts, and
 6 evidences of indebtedness composing the personal estate of his ward, and said
 7 guardian shall produce and exhibit to the court the notes, bonds, accounts, and
 8 evidences of indebtedness so itemized, and held by him and it is hereby made
 9 the duty of the court to inspect the assets so exhibited, and the accounts shall be
 10 accompanied by proper vouchers and signed by him and verified by his
 11 affidavit.

Sec. 1267. POWERS OF GUARDIAN.] The guardian shall settle all accounts of
 2 his ward, and demand and sue for, and receive in his own name as guardian, all

3 personal property of and demands due the ward, or, with the approbation of
 4 the court, compound for the same, and give a discharge to the debtor upon re-
 5 receiving a fair and just dividend of his estate and effects.

Sec. 1268. APPEARANCE FOR WARD IN ACTION.] He shall appear for and rep-
 2 resent his ward in all legal actions and proceedings, unless another person is ap-
 3 pointed for that purpose, as guardian or next friend, but nothing contained in
 4 this act shall impair or affect the power of any court or justice of the peace to
 5 appoint a guardian to defend the interest of a minor impleaded in such court, or
 6 interested in an action or matter therein pending, nor their power to appoint
 7 or allow any person as next friend for a minor to commence, prosecute or de-
 8 fend any action in his behalf: *Provided*, that any action or proceeding may
 9 be commenced and prosecuted by any minor by his next friend, without any
 10 previous authority or appointment by the court, subject to the power of the
 11 court to remove such next friend or to substitute another person as next friend,
 12 whenever the court may deem it for the best interest of the minor.

Sec. 1269. MANAGEMENT OF ESTATE.] The guardian shall manage the es-
 2 tate of his ward frugally and without waste, and apply the income and profits
 3 thereof, so far as the same may be necessary, to the comfort and suitable sup-
 4 port and education of his ward.

Sec. 1270. EDUCATION OF WARD.] The guardian shall educate his ward, and
 2 it is made the duty of all civil officers to give information to the county court
 3 or probate court of any neglect of the guardian to his ward.

Sec. 1271. WARD PUT OUT AND EDUCATED.] When there is not money of the
 2 ward sufficient to teach him to read and write, and the elementary rules of arith-
 3 metic, and the guardian fails or neglects to have him so educated, the court shall
 4 have power to put out the ward to any other person for the purpose of having
 5 him so educated.

Sec. 1272. INVESTMENT OF WARD'S MONEY.] It shall be the duty of the

2 guardian to put and keep his ward's money at interest upon security to be ap-
 3 proved by the court, or by investing, on approval of the court, the same in
 4 United States bonds, or in the bonds of any county or city, which are not issued
 5 in aid of railroads, and where the laws do not permit said counties or cities to
 6 become indebted in excess of five per cent. of the assessed valuation of prop-
 7 erty for taxation therein, and where the total indebtedness of such county or
 8 city does not exceed five per cent. of the assessed valuation of property for taxa-
 9 tion at the time of such investment. Personal security may be taken for loans
 10 not exceeding one hundred dollars. Loans upon real estate shall be secured by
 11 first mortgage thereof, and not to exceed one-half the value thereof. No mort-
 12 gage loan shall be made for a longer time than three years, nor beyond the mi-
 13 nority of the ward: *Provided*, the same may be extended from year to year with-
 14 out the approval of the court. The guardian shall be chargeable with interest
 15 upon any money which he shall wrongfully or negligently allow to remain in his
 16 hands uninvested after same might have been invested.

Sec. 1273. LEASING REAL ESTATE.] The guardian may lease the real estate

2 of the ward upon such terms and for such length of time, not extending beyond
 3 the minority of the ward, as the county court or probate court shall approve.

Sec. 1274. MORTGAGING REAL ESTATE.] The guardian may, by leave of the

2 county court or probate court, mortgage the real estate of the ward for a term
 3 of years not exceeding the minority of the ward, or in fee; but the time of the
 4 maturity of the indebtedness secured by such mortgage shall not be extended
 5 beyond the time of the minority of the ward.

Sec. 1275. PETITION TO MORTGAGE.] Before any mortgage shall be made,

2 the guardian shall petition the county court for an order authorizing such mort-
 3 gage to be made, in which petition shall be set out the condition of the estate, and

4 the facts and circumstances on which the petition is founded, and a description
5 of the premises sought to be mortgaged.

Sec. 1276. FORECLOSURES.] Foreclosures of mortgages authorized by this
2 act shall only be made by petition to the county court of the county where the
3 certificate of guardianship was granted, or in case of non-resident minors, in the
4 county in which the premises, or some part thereof, are situated, in which pro-
5 ceeding the guardian and ward shall be made defendants; and any sale made by
6 virtue of any order or decree of foreclosure of such mortgage may, at any time
7 before confirmation, be set aside by the court for inadequacy of price, or other
8 good cause, and shall not be binding upon the guardian or ward until confirmed
9 by the court.

Sec. 1277. NO STRICT FORECLOSURE.] No decree of strict foreclosure shall
2 be made upon any such mortgage, but redemption shall be allowed as is now
3 provided by law in cases of sales under executions upon common law judgments.

Sec. 1278. PROCEEDINGS TO SELL REAL ESTATE—PETITION.] On the petition
2 of the guardian the county court of the county where the ward resides, or if the
3 ward does not reside in the state, of the county where the real estate, or some
4 part of it is situated, may order the sale of the real estate of the ward, for his
5 support and education, when the court shall deem it necessary, or to invest the
6 proceeds in other real estate or for the purpose of otherwise investing the same:
7 *Provided*, the said county court shall make no order for a sale under said peti-
8 tion until the said guardian shall have executed and filed a bond, payable to the
9 People of the State of Illinois, with at least two sufficient sureties to be approved
10 by the court, in double the value of the real estate by said petition sought to be
11 sold, conditioned for the due and faithful accounting for, and disposition of the
12 proceeds of all real estate that may be sold by him, under such order, in the
13 manner provided by law; which bond may be put in suit in the name of the
14 People of the State of Illinois, to the use of any person entitled to recover on

15 a breach thereof, and damages assessed and proceedings had thereon as in
16 other cases of penal bonds. The petition shall set forth the condition of the
17 estate and the facts and circumstances on which the petition is founded and
18 shall be signed by the guardian and verified by his affidavit.

Sec. 1279. NOTICE.] Notice of such application shall be given to all per-
2 sons concerned, by publication in some newspaper published in the county where
3 the application is made, at least once each week for three successive weeks, or
4 by setting up written or printed notices in three of the most public places in
5 the county, at least three weeks before the day on which such application shall
6 be made. The ward shall be served with a copy of such notice at least ten days
7 before the hearing of such application. Such service may be proven in the same
8 manner as the service of a copy of a bill in equity.

Sec. 1280. PRACTICE.] Such application shall be docketed as other causes,
2 and the petition may be amended, heard or continued for further notice, or for
3 other cause. The practice in such cases shall be the same as in other cases in
4 equity.

Sec. 1281. SALE.] The court shall direct notice of the time and place of
2 sale to be given, and may direct the sale to be made on reasonable credit, and
3 require such security of the guardian or purchaser as the interests of the ward
4 may require.

Sec. 1282. RETURN—SALE APPROVED—TITLE.] It shall be the duty of the
2 guardian making such sale, as soon as may be, to make return of such sale to the
3 court granting the order, which, if approved, shall be recorded, and shall vest in
4 the purchaser or purchasers all the interest of the ward in the estate so sold.

Sec. 1283. PROCEEDS—ACCOUNTING FOR—RE-INVESTMENT.] An account of all
2 moneys and securities received by any guardian for the sale of real estate of

3 his ward shall be returned, on oath of such guardian, to the county court or
 4 probate court of the county where the certificate of guardianship was obtained,
 5 and such money shall be accounted for, and subject to the order of the county
 6 court or probate court, in like manner as other moneys belonging to such minor.
 7 In case of sale for re-investment in this state, the money shall be re-invested
 8 under the direction of the court.

Sec. 1284. SUFFICIENCY OF SURETIES—COURT TO INQUIRE INTO.] It shall be
 2 the duty of the county court or probate court, at each accounting of the guar-
 3 dian, to inquire into the sufficiency of his sureties. And if, at any time, it has
 4 cause to believe that the sureties of a guardian are insufficient or in failing cir-
 5 cumstances, it shall, after summoning the guardian, if he be not before the
 6 court, require him to give additional security.

Sec. 1285. COUNTER-SECURITY.] Upon the application of the surety of any
 2 guardian, and after summoning the guardian, the court may, if it believes him
 3 to be insolvent or in doubtful circumstances, require him to give counter-secur-
 4 ity to his sureties.

Sec. 1286. REMOVAL OF GUARDIAN.] The county court or probate court may
 2 remove a guardian for his failure to give bond or security, or additional or coun-
 3 ter security, when required, or for failure to make inventory, or to account and
 4 make settlement, or support or educate the ward, or when he shall have become
 5 insane, or have removed out of the state, or become incapable or unsuitable for
 6 the discharge of his duties, or for failure to discharge any duty required of him
 7 by law or the order of the court, or for other good cause.

Sec. 1287. SUMMONS TO SHOW CAUSE—NOTICE.] Before removing a guard-
 2 ian the court shall summon him to show cause why he should not be removed
 3 for the cause alleged. If the guardian has left the state, or cannot be served
 4 with process, he may be notified in the same manner as non-resident defendants
 5 in equity.

Sec. 1288. **RESIGNATION.**] When it appears proper, the court may permit
 2 the guardian to resign his trust, if he first settles his accounts and delivers over
 3 the estate as by the court directed.

Sec. 1289. **SUCCESSOR—DELIVERY OF PROPERTY, ETC., TO.**] Upon the re-
 2 moval, resignation or death of a guardian, another may be appointed, who shall
 3 give bond and security and perform the duties prescribed in this act. And the
 4 court shall have power to compel the guardian so removed or resigned, or the
 5 executor or administrator of a deceased guardian, or the conservator of an in-
 6 sane person, or other person, to deliver up to such successor all the goods, chat-
 7 tels, moneys, title papers, and other effects in his custody or control, belonging
 8 to such minor, and upon failure to so deliver the same, to commit the person
 9 offending to jail, until he shall comply with the order of the court.

Sec. 1290. **MARRIAGE OF FEMALE WARD.**] The marriage of a female ward
 2 shall discharge her guardian from all right to her custody and education, but
 3 not to her property.

Sec. 1291. **COMPENSATION.**] Guardians, on settlement, shall be allowed
 2 such fees and compensation for their services as shall seem reasonable and
 3 just to the court.

Sec. 1292. **NON-RESIDENT GUARDIAN—POWER TO COLLECT.**] When there is no
 2 guardian in this state of a non-resident minor, his guardian appointed and
 3 qualified according to the law of the place where the minor resides, having first
 4 obtained the authority of the county court or probate court of the county in this
 5 state where any of the personal estate of such minor may be so to do, may col-
 6 lect, by action or otherwise, receive and remove to such place of residence of the
 7 minor, any personal estate of such minor.

Sec. 1293. **TRANSFER OF ESTATE TO NON-RESIDENT GUARDIAN.**] When there is
 2 a guardian in this state of a non-resident minor, the court may authorize such

3 guardian to pay over and transfer the whole or any part of the ward's prop-
4 erty to the non-resident guardian of such ward, appointed and qualified accord-
5 ing to the law of the place where the ward resides, upon such terms as shall
6 be proper in the premises, requiring receipts to be passed; and when the whole
7 estate in the hands of a resident guardian shall be so transferred, may discharge
8 him.

Sec. 1294. CONDITIONS.] But the court shall not grant the authority men-
2 tioned in the two preceding sections except upon petition of such foreign guard-
3 ian, signed by him and verified by his affidavit, and unless he shall file with the
4 court properly authenticated copies of his letters or certificate of guardianship
5 and bond, with security in double the amount of the value of the property and
6 estate sought, which shall have been executed and filed in the court which ap-
7 pointed such guardian. And, unless it shall appear to the court that a removal
8 of such estate will not conflict with the interest of the ward, or the terms of limi-
9 tation attending the right by which the ward owns the same or the rights of
10 creditors, the resident guardian shall have ten days' previous notice of such ap-
11 plication.

Sec. 1295. SALE OF REAL ESTATE BY NON-RESIDENT GUARDIAN.] When any
2 person residing in any other state of the United States, or any territory thereof,
3 shall have been or may hereafter be appointed guardian, in the state or territory
4 in which such person resides, of any infant or other person owning real estate
5 within this state, not having any guardian in this state, it shall and may be law-
6 ful for every such guardian to file his or her petition in the circuit court of the
7 county in which said real estate, or the major part thereof, may lie, for sale of
8 said real estate, for the purpose of educating and supporting such infant or other
9 persons under guardianship, or for the purpose of investing the proceeds of such
10 real estate in such manner as the court which appointed such guardian may or-
11 der and direct; and the said circuit court is hereby fully authorized and empow-

ered to order a sale of such real estate, conformably to the prayer of said petition: *Provided*, that every such guardian applying for such sale, shall file with his or her petition an authenticated copy of his or her certificate of guardianship: *And, provided, further*, that the said circuit court shall make no order for a sale under said petition, until the said guardian shall have executed and filed, in the court which appointed said guardian, a bond, with sufficient security, approved by said last mentioned court, for the due and faithful application of the proceeds of every such sale, in such manner as the said last mentioned court may direct, an authenticated copy of which said bond, and the approval thereof, shall be deemed and taken by the circuit court as sufficient evidence of the execution and filing of the same.

Sec. 1296. NOTICE—TERMS OF SALE.] Every guardian applying for an order of sale under the foregoing section shall be required to give notice of his or her petition in the same manner as is now required by law in cases of applications for sales of lands belonging to minors, by resident guardians; and in every order for the sale of real estate under this act, it shall be the duty of the court to prescribe the terms of said sale, and the notice which shall be given thereof, and the place where such sale shall be made.

Sec. 1297. DEEDS—TITLE.] All sales of real estate, under the provisions of this act, are hereby declared to be good and valid; and all deeds executed by such guardian to the purchaser or purchasers under such sales, shall convey to and vest in such purchaser or purchasers all the estate, right, title and interest, in law or equity, of said infant or others in and to the land so sold.

Sec. 1298. BOND FOR COSTS.] In all actions and petitions by non-resident guardians, they shall give bonds for costs, as in cases of other non-residents.

Sec. 1299. FINAL SETTLEMENT—UNCLAIMED MONEYS IN HANDS OF GUARDIANS—DEPOSIT OF.] When any guardian shall have made final settlement with the

3 county court or probate court it shall be the duty of the court to order such
 4 guardian to deposit with the county treasurer such moneys as he may have be-
 5 longing to any ward whose whereabouts may be unknown, or belonging to the
 6 unknown heir or heirs of any deceased ward, or the heirs of any ward whose
 7 whereabouts may be unknown, and to take the receipt of such treasurer there-
 8 for, and to file such receipt in the office of the clerk of the county court or pro-
 9 bate court where such settlement has been made.

Sec. 1300. HOW MONEYS SO OBTAINED DEPOSITED.] When money shall be de-
 2 posited as aforesaid, the person or persons entitled to the same may at any time
 3 apply to the court making such order and obtain the same upon making satis-
 4 factory proof to the court of his, her or their right thereto.

Sec. 1301. PUBLIC COUNTY GUARDIAN.] The Governor of this State, by and
 2 with the advice and consent of the Senate, shall, before the first Monday in De-
 3 cember, nineteen hundred nine, and every four years thereafter, appoint in each
 4 county of this State, and as often as any vacancies may occur, a suitable person,
 5 to be known as public guardian of such county, who shall hold his office for four
 6 years from the first Monday of December, nineteen hundred nine, or until his
 7 successor is appointed and qualified.

Sec. 1302. TO TAKE AN OATH—FORM OF.] Every person appointed as a
 2 public guardian shall, before entering upon the duties of his office, take and
 3 subscribe and file in the office of the clerk of the county court, the following oath,
 4 to-wit:

5 I do solemnly swear (or affirm, as the case may be,) that I will support the
 6 Constitution of the United States and the Constitution of the State of Illinois,
 7 and that I will faithfully discharge the duties of public guardian of
 8 county, according to the best of my ability.

Sec. 1303. WHEN GUARDIAN FAILS TO QUALIFY.] Whenever any guardian,
2 appointed under the provisions of this act, shall fail to qualify as such guardian
3 at the expiration of three months from his or her appointment, it shall be the
4 duty of the court to appoint the public guardian of the county where the minor
5 resides as guardian of the minor.

Sec. 1304. PUBLIC GUARDIAN—WHEN APPOINTED BY THE COURT.]—The pub-
2 lic guardian, when appointed by the court, as provided in this act, shall have
3 the same powers and his duties shall be the same as other guardians appointed
4 under the provisions of this act.

Sec. 1305. BOND OF PUBLIC GUARDIAN.] It shall be the duty of the county
2 court or probate court to require of a public guardian, before entering upon the
3 duties of his office, to enter into a bond, payable to the people of the State of
4 Illinois, in a sum of not less than five thousand dollars, with two or more se-
5 curities, approved by the court, and conditioned that he will faithfully discharge
6 all the duties of his office, and the court may, from time to time, as occasion may
7 require, demand additional security of such guardian, and may require him to
8 give the usual bond required of guardians in other cases; and in default of giv-
9 ing such bond within sixty days after receiving his commission, or in default
10 of giving additional security within such time as the court may fix after being
11 duly ordered by said court so to do, his office shall be deemed vacant, and upon
12 the certificate of the county judge of such fact, the Governor shall fill the va-
13 cancy aforesaid.

DIVISION LIV.

APPOINTMENT OF CONSERVATORS AND SETTLEMENT OF THEIR ACCOUNTS.

SECTION

- 1306. Proceedings for conservator—form of petition.
- 1307. Cause set for hearing—summons—publication of notice—service—form of summons.
- 1308. Trial—appointment of conservator—certificate—form of bond.
- 1309. Bond—additional bonds—counter security—action on bond—form of bond.
- 1310. Care of estate—custody of person—children.
- 1311. Inventory.
- 1312. Settlements.
- 1313. Final settlement.
- 1314. Manner of accounting.
- 1315. Collections, etc.
- 1316. Performance of contracts.
- 1317. Legal proceedings.
- 1318. What contracts void.
- 1319. What contracts voidable.
- 1320. Swindling idiot, lunatic.
- 1321. Management of estate.
- 1322. Investment of money.
- 1323. Leasing real estate.
- 1324. Mortgaging real estate.
- 1325. Petition to mortgage.

SECTION

- 1326. No strict foreclosure.
- 1327. Sale of real estate—petition.
- 1328. Notice of application.
- 1329. Docket—practice.
- 1330. Sale.
- 1331. Return of sale—approval—title.
- 1332. Proceeds of sale.
- 1333. Sufficiency of sureties.
- 1334. Counter security.
- 1335. Removal of conservator.
- 1336. Summons to show cause—notice.
- 1337. Resignation.
- 1338. Successor appointed—delivery to successor.
- 1339. Compensation.
- 1340. Restoration to reason, etc.
- 1341. Notice.
- 1342. Trial, judgment, etc.
- 1343. Actions, collections, etc., by non-resident conservators, etc.
- 1344. Sale of real estate by non-resident conservator, etc.
- 1345. Notice of petition.
- 1346. Bond.
- 1347. Bond for costs.

Sec. 1306. PROCEEDINGS FOR CONSERVATOR—FORM OF PETITION.] When any

2 person having any estate, real or personal, shall be, or be supposed to be, an
 3 idiot, or an insane, distracted or feeble-minded person who, by reason of un-
 4 soundness of mind, is incapable of managing and caring for his own estate, or
 5 when any person having any estate shall be, or be supposed to be, a drunkard
 6 or spendthrift, who is alleged so to spend, waste or lessen his estate as to expose
 7 himself or his family to want or suffering, or any county, town or incorporated

city or village to any charge or expense for the support of himself or his family, the county court or probate court of the county wherein such person resides, or, if such person be a non-resident of this state, the county court or probate court of the county in which any portion of the real or personal estate of such person may be situated, may, on the petition of any resident of such county, proceed in the manner hereinafter provided to ascertain whether such person be an idiot or an insane, distracted or feeble-minded person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate, a drunkard or spendthrift as aforesaid. The following form of petition for the appointment of a conservator shall be deemed sufficient and shall be taken as furnishing suggestions from which other petitions may be properly framed:

IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

In the matter
of Richard Roe. } Conservatorship. No. 100.

PETITION FOR APPOINTMENT OF CONSERVATOR.

The petitioner, John Doe, says:

1. That he is a resident of said Cook county.
2. That Richard Roe is a resident of said county and has an estate not exceeding in value \$25,000.
3. That said Richard Roe is a feeble-minded person who, by reason of unsoundness of mind, is incapable of managing and caring for his own estate.

Wherefore petitioner prays for the appointment of a conservator for said Richard Roe.

JOHN DOE.

John Doe on his oath says that the foregoing petition by him subscribed is true to the best of his knowledge, information and belief.

JOHN DOE.

Subscribed and sworn to before me this 10th day of August, 1908.

SAMUEL JONES, *Clerk.*

37

NOTE.

38 When the person for whom a conservator is sought is an idiot, or an in-
 39 sane person, or distracted person, the above form may be varied from by in-
 40 serting in lieu of the words "a feeble-minded person" the word "idiot" or the
 41 words "insane person" or "distracted person," as the case may be. When
 42 such person is a drunkard or spendthrift, the above form may be changed so
 43 that paragraph 3 will read as follows:

44 3. That said Richard Roe is a drunkard (or spendthrift, as the case may
 45 be) who is so spending, wasting and lessening his estate as to expose himself (or
 46 his family, as the case may be,) to want and suffering (or some specified county,
 47 town, incorporated city or village to a charge or expense for the support of him-
 48 self or his family, as the case may be).

Sec. 1307. CAUSE SET FOR HEARING—SUMMONS—PUBLICATION OF NOTICE—SER-
 2 VICE—FORM OF SUMMONS.] When a petition for the appointment of a conser-
 3 vator of any person is filed as aforesaid the court shall set the proceeding for
 4 hearing and if the person for whom a conservator is sought is not before
 5 the court, the court shall order the issuance of a summons or publication of
 6 notice, as the case may be, to such person requiring his appearance at such time
 7 as the court may fix for the hearing, and service of summons shall be had upon,
 8 or notice given to, the person for whom the conservator is sought to be ap-
 9 pointed in the same manner by summons or publication of notice, and under
 10 the same conditions, as service is had or notice is given in an action in equity.
 11 In case such person is to be served with a summons the time fixed therein for
 12 his appearance shall be not less than five (5) nor more than fifteen (15) days
 13 from the date of the summons and the same shall be served at least three (3)
 14 days prior to the time fixed therein for such hearing. When such person is to
 15 be notified by publication of notice the time for his appearance shall be not less
 16 than forty (40) nor more than sixty (60) days from the date of the first publi-
 17 cation of notice. Alias and pluries summonses may be issued as in actions at

18 law or in equity. The following form of summons shall be deemed sufficient
 19 and shall be taken as furnishing suggestions from which other summonses may
 20 be properly framed:

21 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

22 In the matter }
 23 of Richard Roe. } Conservatorship. No. 100.

24 SUMMONS.

25 The People of the State of Illinois—GREETING to Richard Roe:

26 You are hereby commanded to personally be and appear before the probate
 27 court of Cook county, Illinois, at the county court house in Chicago in said
 28 county, on Tuesday, the 17th day of August, 1908, at the hour of ten o'clock A.
 29 M., then and there to show cause, if any you have or can show, why said court
 30 should not appoint a conservator to manage and care for your estate.

31 Witness William Brown, clerk of our said court, and the seal thereof, at
 32 Chicago, in said county, this 10th day of August, 1908.

33 WILLIAM BROWN, *Clerk.*

Sec. 1308. TRIAL—APPOINTMENT OF CONSERVATOR—CERTIFICATE—FORM.] At
 2 the time fixed for the hearing a jury of six persons shall be impaneled to try the
 3 case. The court may, for good cause, postpone the trial from time to time. If
 4 any person be found an idiot, insane person, distracted or feeble-minded person,
 5 drunkard or spendthrift, and by reason of such condition incapable of manag-
 6 ing and caring for his own estate, it shall be the duty of the court to appoint a
 7 conservator for such person. Upon the appointment of a conservator and the
 8 filing by him of the bond hereinafter provided for the clerk shall issue to him a
 9 certificate of conservatorship, which certificate shall be competent evidence in
 10 all courts of this state of the right of the person therein named as conservator
 11 to exercise the powers of such conservator. As many certificates may be issued
 12 by the clerk, from time to time, as such conservator or any other person may
 13 require, upon the payment of the costs fixed by law therefor: *Provided, how-*

14 ever, that no such certificate shall be issued by the clerk after the removal from
 15 office of such conservator, unless the court shall so order, in which case the cer-
 16 tificate shall recite such removal and the date thereof. Such certificate may be
 17 in substantially the following form:

18 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

19 In the matter }
 20 of Richard Roe. } Conservatorship. No. 100.

21 CERTIFICATE OF CONSERVATORSHIP.

22 This is to certify that John Doe, of Cook county, Illinois, was on the 20th
 23 day of August, 1908, duly appointed by the probate court of said Cook county as
 24 conservator for Richard Roe and is duly authorized to exercise all the powers of
 25 such conservator.

26 Witness William Brown, clerk of our said probate court, and the seal
 27 thereof, at Chicago, in said county, this 20th day of August, 1908.

28 WILLIAM BROWN, *Clerk.*

Sec. 1309. BOND—ADDITIONAL BONDS—COUNTER SECURITY—ACTION ON BOND
 2 —FORM OF BOND.] The conservator appointed shall, before entering upon the
 3 duties of his office, give a bond payable to the People of the State of Illinois with
 4 at least two sufficient sureties to be approved by the court in at least double the
 5 amount of his ward's personal estate and six times the amount of the gross an-
 6 nual income of his ward's real estate: *Provided, however,* that if any such real
 7 estate is improved or is covered, in whole or in part, with timber, or is improved
 8 in part and in part covered with timber, the penal sum of such bond shall be
 9 increased by an amount at least double the value of such improvements and of
 10 said timber, or both, as the case may be, with such conditions, as near as may
 11 be, as are provided in the case of the bonds of guardians of infants. Additional
 12 bonds and counter security may be required as hereinafter provided. Bonds
 13 given in pursuance of this act may be put in action in the name of the People
 14 of the State of Illinois to the use of any person entitled to recover on the breach

15 thereof and damages adjudged on proceedings had thereon as in other cases of
 16 penal bonds. The following shall be deemed a sufficient form of conservator's
 17 bond and shall be taken as furnishing suggestions from which other bonds may
 18 be properly framed:

19 IN THE PROBATE COURT OF COOK COUNTY, ILLINOIS.

20 In the matter
 21 of Richard Roe } Conservatorship. No. 100.

22 BOND OF CONSERVATOR.

23 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and Wil-
 24 liam Doe and Henry Doe as sureties, are held and firmly bound unto the People
 25 of the State of Illinois in the penal sum of thirty thousand dollars (\$30,000) for
 26 the payment of which, well and truly to be made, we bind ourselves, our heirs,
 27 executors, administrators, and assigns, jointly and severally, firmly by these
 28 presents.

29 Witness our hands and seals this 10th day of February, 1908.

30 The condition of the above obligation is such that if the above bounden
 31 John Doe, who has been duly appointed by the probate court of Cook county,
 32 Illinois, as the conservator of Richard Roe, shall faithfully perform all of his
 33 duties as such conservator and shall faithfully account for all property which
 34 may, or by the exercise of due diligence might have, come into his possession,
 35 custody or control as such conservator and dispose of the same in the manner
 36 required by law, then this obligation is to be void; otherwise the same is to be
 37 and remain in full force and effect.

38 JOHN DOE. [SEAL.]

39 WILLIAM DOE. [SEAL.]

40 HENRY DOE. [SEAL.]

41 Approved by me this 20th day of August, 1908.

42 HENRY JONES, *Judge*.

Sec. 1310. CARE OF ESTATE—CUSTODY OF PERSON—CHILDREN.] Such conserva-
 2 tor shall have the care and management of the real and personal estate of his
 3 ward, and the custody of his person unless otherwise ordered by the court, and
 4 the custody and education of his children where no other guardian is appointed,
 5 unless the court orders otherwise; but this act shall not be so construed as to
 6 deprive the mother of the custody and education of the children without her con-
 7 sent, if she be a fit and competent person to have such custody and education.

Sec. 1311. INVENTORY.] The conservator shall, immediately upon his ap-
 2 pointment, take charge of the estate of his ward, and within sixty days after
 3 such appointment return to the court a true and perfect inventory of the real
 4 and personal estate of the ward, signed by him and verified by his affidavit. As
 5 often as other estate shall thereafter come to his knowledge, he shall return an
 6 inventory thereof within sixty days from the time the same shall come to his
 7 knowledge. Such inventory shall conform, as near as may be, to the require-
 8 ment of this act with respect to the inventory of the estate of a deceased person.

Sec. 1312. SETTLEMENTS.] The conservator shall, at the expiration of a year
 2 from his appointment, settle his accounts as conservator with the county court or
 3 probate court and at least once a year thereafter, and as much oftener as the
 4 court may require.

Sec. 1313. FINAL SETTLEMENT.] Such conservator shall, at the expiration of
 2 his trust, pay and deliver to those entitled thereto all the money, estate and title
 3 papers in his hands as conservator, or with which he is chargeable as such, in
 4 such manner as shall be directed by the order or decree of any court having
 5 jurisdiction thereof. Whenever any lunatic, idiot, drunkard or spendthrift shall
 6 die seized or possessed of any real or personal estate, then such conservator
 7 shall have full power and authority, under the certificate issued to him or to
 8 her, to make final settlement and distribution of the estate of said deceased ward

9 without further certificate of administration in such time and manner as is re-
 10 quired by law of administrators of the estates of deceased persons. *Provided,*
 11 this shall not apply to non-resident conservators.

Sec. 1314. MANNER OF ACCOUNTING.] On every accounting or final settle-
 2 ment of a conservator, he shall exhibit and file his account as such conservator,
 3 setting forth specifically, in separate items, on what account expenditures were
 4 made by him, and all sums received and paid out since his last accounting, and
 5 on what account each was received and paid out, and showing the true balance of
 6 money on hand—which account, shall be accompanied by the proper vouchers,
 7 and signed by him and verified by his affidavit.

Sec. 1315. COLLECTIONS, ETC.] The conservator shall settle all accounts of
 2 his ward, and demand and sue for and receive in his own name, as conservator,
 3 all personal property of and demands due the ward, or with the approbation of
 4 the court, compound for the same, and give a discharge to the debtor upon re-
 5 ceiving a fair and just dividend of his estate and effects.

Sec. 1316. PERFORMANCE OF CONTRACTS.] The conservator, by permission
 2 and subject to the direction of the court which appointed him, may perform the
 3 personal contracts of his ward, made in good faith and legally subsisting at the
 4 time of the commencement of his disability, and which may be performed with
 5 advantage to the estate of the ward.

Sec. 1317. LEGAL PROCEEDINGS.] He shall appear for and represent his ward
 2 in all actions and proceedings, unless another person is appointed for that pur-
 3 pose, as conservator or next friend; but nothing contained in this act shall im-
 4 pair or affect the power of any court to appoint a conservator or next friend to
 5 defend the interest of said ward impleaded in such court, or interested in an
 6 action or matter therein pending, nor its power to appoint or allow any person,

7 as next friend for such ward, to commence, prosecute or defend any action in
8 his behalf, subject to the direction of such court.

Sec. 1318. WHAT CONTRACTS VOID.] Every note, bill, bond or other contract
2 by an idiot, lunatic, distracted person or spendthrift, made after the finding of
3 the jury, as provided in this act, shall be void as against the idiot, lunatic, dis-
4 tracted person, drunkard or spendthrift, and his estate; but the person making
5 any contract with such idiot, lunatic, distracted person or spendthrift shall be
6 bound thereby.

Sec. 1319. WHAT CONTRACTS VOIDABLE.] Every contract made with an idiot,
2 lunatic or distracted person before such finding or with a drunkard or spend-
3 thrift made after the application for the appointment of a conservator, may be
4 avoided, except in favor of the person fraudulently making the same.

Sec. 1320. SWINDLING IDIOT, LUNATIC, ETC.] Whoever, by trading with, bar-
2 tering, gaming, or any other device, possesses himself of any property or valu-
3 able thing belonging to any idiot, lunatic or notoriously distracted person, drunk-
4 ard or spendthrift, shall be deemed guilty of swindling, and upon conviction
5 thereof be fined a sum not exceeding two thousand dollars (\$2,000) or confined
6 in the county jail not exceeding one year, or both.

Sec. 1321. MANAGEMENT OF ESTATE.] The conservator shall manage the es-
2 tate of his ward frugally and without waste, and apply the income and profits
3 thereof, so far as the same may be necessary, to the comfort and suitable support
4 of his ward and his family, and the education of his children.

Sec. 1322. INVESTMENT OF MONEY.] It shall be the duty of the conservator
2 to put and keep his ward's money at interest, upon security to be approved by
3 the court, or invest the same, subject to the approval of the court, in the bonds
4 of municipal corporations of this state to be approved by the court, or in other

bonds in which, by the terms of this act, guardians are authorized to invest the money of their wards. Personal security may be taken for loans not exceeding one hundred dollars (\$100). Loans in larger amounts shall be upon real estate security. No loan shall be made for a longer time than three years, unless authorized by the court: *Provided*, the same may be extended from year to year, without the approval of the court.

Sec. 1323. LEASING REAL ESTATE.] The conservator may lease the real estate of the ward, upon such terms and for such length of time as the county court or probate court shall approve.

Sec. 1324. MORTGAGING REAL ESTATE.] The conservator may, by leave of the county court, mortgage the real estate of the ward for a term of years, or in fee.

Sec. 1325. PETITION TO MORTGAGE.] Before any mortgage shall be made the conservator shall petition the county court for an order authorizing such mortgage to be made, in which petition shall be set out the condition of the estate and the facts and circumstances on which the petition is founded, and a description of the premises sought to be mortgaged.

Sec. 1326. NO STRICT FORECLOSURE.] No decree of strict foreclosure shall be made upon any such mortgage, but redemption shall be allowed, as is now provided by law in cases of sales under executions upon common law judgments.

Sec. 1327. SALE OF REAL ESTATE—PETITION.] On the petition of the conservator, the county court of the county where the ward resides, or, if the ward does not reside in the state, of the county where the real estate or some part of it is situated, may order the sale of the real estate of the ward for his support and that of his family when the court shall deem it necessary, or to invest the proceeds in other real estate, or for the purpose of otherwise investing the same, or for the purpose of paying the debts of the ward or the education of the chil-

8 dren of said ward. The petition shall set forth the condition of the estate and
 9 the facts and circumstances on which the petition is founded and shall be signed
 10 by the conservator and verified by his affidavit.

Sec. 1328. NOTICE OF APPLICATION.] Notice of such application shall be
 2 given to all persons concerned by publication in some newspaper published in
 3 the county where the application is made, at least once in each week for three
 4 successive weeks, or if no newspaper is published in such county, by setting up
 5 written or printed notices in three of the most public places in the county at
 6 least three weeks before the day on which such application is proposed to be
 7 made. The ward shall be served with a copy of such notice at least ten days be-
 8 fore the hearing of such application. Such service may be proved in the same
 9 manner as the service of a summons.

Sec. 1329. DOCKET—PRACTICE.] Such application shall be docketed as other
 2 causes, and the petition may be amended, heard or continued for further notice or
 3 for other cause. The practice in such cases shall be the same, as near as may
 4 be, as in other cases in equity.

Sec. 1330. SALE.] The court shall direct notice of the time and place of sale
 2 to be given, and may direct the sale to be made on reasonable credit, and re-
 3 quire such security of the conservator or purchaser as the interest of the ward
 4 may require.

Sec. 1331. RETURN OF SALE—APPROVAL—TITLE.] It shall be the duty of the
 2 conservator making such sale, as soon as may be, to make report of such sale
 3 to the court granting the order, and, in case of the approval of such sale, the
 4 court shall by its order vest in the purchaser or purchasers all the interest of the
 5 ward in the estate so sold.

Sec. 1332. PROCEEDS OF SALE.] An account of all moneys and securities re-
 2 ceived by any conservator for the sale of real estate of his ward, shall be returned

3 on oath of such conservator to the county court or probate court of the county
 4 where the certificate of conservatorship was obtained, and such money shall be
 5 accounted for and subject to the order of the county court or probate court in like
 6 manner as other moneys belonging to such ward. In case of sale for reinvest-
 7 ment in this state, the money shall be reinvested under the direction of the court.

Sec. 1333. SUFFICIENCY OF SURETIES.] It shall be the duty of the county
 2 court or probate court, at each accounting of the conservator, to inquire into the
 3 sufficiency of his sureties, and if, at any time, it has cause to believe that the
 4 sureties of a conservator are insufficient or in failing circumstances, it shall,
 5 after summoning the conservator, if he be not before the court, require him to
 6 give additional security.

Sec. 1334. COUNTER SECURITY.] Upon the application of the surety of any
 2 conservator, and after summoning the conservator, the court may, if it believes
 3 him to be insolvent or in doubtful circumstances, require him to give counter se-
 4 curity to his sureties.

Sec. 1335. REMOVAL OF CONSERVATOR.] The county court or probate court
 2 may remove a conservator for his failure to give bond or security or additional
 3 or counter security when required, or for a failure to make an inventory or to
 4 account and make a settlement, or support the ward, or when he shall have become
 5 insane or have removed out of the state, or become incapable or unsuitable for the
 6 discharge of his duties, or for failure to discharge any duty required of him by
 7 law or the order of the court or for other good cause.

Sec. 1336. SUMMONS TO SHOW CAUSE—NOTICE.] Before removing a conserv-
 2 ator the court shall summon him to show cause why he should not be removed for
 3 the cause alleged. If the conservator has left the state or cannot be served with
 4 process, he may be notified in the same manner as non-resident defendants in
 5 equity.

Sec. 1337. RESIGNATION.] When it appears proper the court may permit
 2 the conservator to resign his trust, if he first settles his accounts and delivers
 3 over the estate as by the court directed.

Sec. 1338. SUCCESSOR APPOINTED—DELIVERY TO SUCCESSOR.] Upon the re-
 2 moval, resignation or death of a conservator, another may be appointed, who
 3 shall give bond and security, and perform the duties prescribed by this act. The
 4 court shall have power to compel the conservator so removed or resigned, or the
 5 executor or administrator of a deceased conservator, to deliver up to such suc-
 6 cessor all the goods, chattels, moneys, title papers and other effects in his custody
 7 or control belonging to the ward; and upon failure to so deliver the same, to
 8 commit the person offending to jail until he shall comply with the order of the
 9 court.

Sec. 1339. COMPENSATION.] Conservators on settlement shall be allowed such
 2 fees and compensation for their services as shall seem reasonable and just to the
 3 court.

Sec. 1340. RESTORATION TO REASON, ETC.] When any person, for whom a
 2 conservator has been or may be appointed under the provisions of this act, shall
 3 be restored to his reason, or in case such drunkard or spendthrift shall have be-
 4 come so reformed as to be a proper and safe person to have the care and man-
 5 agement of his estate, such person may apply by petition to the county court or
 6 probate court of the county in which such conservator was appointed, to have
 7 said conservator removed, and the care and management of his property, or so
 8 much thereof as shall remain, restored to him.

Sec. 1341. NOTICE.] Notice of such intended application shall be given to
 2 the conservator ten days before the day on which the application is proposed to
 3 be made.

Sec. 1342. TRIAL, JUDGMENT, ETC.] It shall be the duty of the court to which

2 any such application, as provided in the foregoing section, is made, on proof
 3 that said conservator has been duly notified of such application, to cause a jury
 4 to be summoned to try the question whether said applicant is a fit person to have
 5 the care, custody and control of his or her property and if the said jury return
 6 in their verdict that such person is a fit person to have the control of such prop-
 7 erty as aforesaid, then the court shall enter an order fully restoring such person
 8 to all the rights and privileges enjoyed before said conservator was appointed:
 9 *Provided*, that such conservator, so removed, shall be allowed a reasonable time
 10 to settle his accounts as such, and to pass over the money or property in his
 11 hands, and such removal shall not invalidate any contracts made in good faith
 12 by such conservator, while acting as such: *Provided, further*, that no application
 13 shall be entertained for the removal of any conservator appointed for any person
 14 under the provisions of this act, within less than one year from such appointment,
 15 unless for neglect of duty or mismanagement of his trust.

Sec. 1343. ACTIONS, COLLECTIONS, ETC., BY NON-RESIDENT CONSERVATORS, ETC.]

2 The conservator, guardian, curator or committee of any non-resident idiot, luna-
 3 tic, insane or distracted person, spendthrift or drunkard, appointed in any of the
 4 United States or territories, or any foreign country, in pursuance of the laws of
 5 any such state, territory or country, may commence and prosecute in his name
 6 as such conservator, guardian, curator or committee, actions for the recovery of
 7 any real or personal property, or any interest therein in this state, belonging to
 8 any such idiot, lunatic, insane or distracted person, spendthrift or drunkard, or
 9 for any injury to such property, in any of the courts of record in this state having
 10 jurisdiction in similar cases by persons in their own rights, and may collect, re-
 11 ceive and remove to his place of residence any personal estate of his ward.

Sec. 1344. SALE OF REAL ESTATE BY NON-RESIDENT CONSERVATOR, ETC.] It shall
 2 be lawful for any such conservator, guardian, curator or committee of any non-
 3 resident idiot, lunatic, insane or distracted person, spendthrift or drunkard, who
 4 shall obtain an order from the proper court in the state, territory or country in
 5 which such conservator, guardian, curator or committee was appointed, author-
 6 izing him to make application for the sale of his ward's real estate or personal
 7 property in this state, upon filing a certified copy of such order for record in the
 8 office of the clerk of the circuit court of the county in this state in which the
 9 property or the major part thereof is situated, by petition to such court to obtain
 10 an order authorizing such conservator, guardian, curator or committee to sell and
 11 transfer any such property or interest therein, belonging to any such idiot, luna-
 12 tic, insane or distracted person, spendthrift or drunkard, and to make deeds and
 13 conveyances thereof; which deeds and conveyances executed and acknowledged
 14 in pursuance of the laws of this state, or of the state, territory or country in
 15 which such conservator, guardian, curator or committee was appointed, shall be
 16 effectual in law and equity to pass to the grantee or grantees therein all the right,
 17 title and interest of such idiot, lunatic, insane or distracted person, spendthrift or
 18 drunkard therein. The court ordering the sale may authorize any person to act
 19 as auctioneer of the property, but the deed shall be executed by the conservator,
 20 guardian, curator or committee.

Sec. 1345. NOTICE OF PETITION.] Notice of the time and place of presenting
 2 said petition to said circuit court shall be given by publication in the nearest
 3 newspaper for four successive weeks, the first of which publications shall be at
 4 least forty days before the time fixed for the presentation of said petition, re-
 5 questing all persons interested to show cause why the prayer of said petition
 6 should not be granted.

Sec. 1346. BOND.] The said circuit court may, in its discretion, require
2 such conservator, curator, guardian or committee to file a bond, with sufficient
3 securities, conditioned for the faithful application of the money which may be re-
4 ceived for any such property, for the benefit and to the use of such idiot, lunatic,
5 insane or distracted person, spendthrift, or drunkard.

Sec. 1347. BOND FOR COSTS.] In all actions by non-resident conservators,
2 guardians, curators or committees they shall give a bond for costs as in cases of
3 other non-residents.

DIVISION LV.

COMMITMENT AND DETENTION OF LUNATICS.

SECTION

- 1348. Insane defined.
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- 1350. Proceedings for supposed insanity—petition.
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- 1353. Inquests in lunacy to be by jury or a commission of two physicians.
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SECTION

- 1367. Private patient not received—exceptions.
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- 1381. Early stage of insanity—treatment.
- 1382. Acquittal of crime on plea of insanity—proceedings.
- 1383. Superintendent to furnish clerk with list.
- 1384. Penalty.
- 1385. Blanks—forms to be prepared.

Sec. 1348. INSANE DEFINED.] The word insane in this act shall be construed

2 to mean any person who, by reason of unsoundness of mind, is incapable of man-

3 aging and caring for his own estate, or is dangerous to himself or others, if per-

4 mitted to go at large, or is in such condition of mind or body as to be a fit subject

5 for care and treatment in a hospital or asylum for the insane: *Provided*, that

6 no person, idiot from birth, or whose mental development was arrested by dis-
 7 ease or physical injury occurring prior to the age of puberty, and no person who
 8 is afflicted with simple epilepsy shall be regarded as insane, unless the manifes-
 9 tations of abnormal excitability, violence, or homicidal or suicidal impulses are
 10 such as to render his confinement in a hospital or asylum for the insane a proper
 11 precaution to prevent him from injuring himself or others.

Sec. 1349. NOT RESTRAINED OF LIBERTY.] Except as hereinafter provided,
 2 from and after the passage of this act no insane person, or person supposed to be
 3 insane, but who shall not have been legally adjudged to be insane, shall, by rea-
 4 son of his insanity or supposed insanity, be restrained of his liberty: *Provided*,
 5 that this section shall not be construed to forbid the temporary detention of an
 6 alleged lunatic, for a reasonable time, not exceeding ten days, pending a judicial
 7 investigation of his mental condition.

Sec. 1350. PROCEEDINGS FOR SUPPOSED INSANITY—PETITION.] When any per-
 2 son shall be, or be supposed to be, insane, any resident of the county in which
 3 such patient resides or is found may file with the clerk of the county court of
 4 said county a petition in writing, under oath, setting forth that the person named
 5 is insane and unsafe to be at large, or suffering under mental derangement, and
 6 that the welfare of himself or others requires his restraint or commitment to some
 7 hospital or asylum for the insane. The said petition must be accompanied by
 8 the names of the witnesses (one of whom at least must be a physician having
 9 personal knowledge of the case), by whom the truth of the allegations therein
 10 contained may be substantiated and proved: *Provided*, that when it shall ap-
 11 pear by such petition the person alleged to be insane has not been examined by
 12 a physician, the judge may appoint a qualified physician of the county to make
 13 such examination and allow him compensation therefor, not exceeding five dol-
 14 lars, which shall be taxed and collected as is herein provided in respect to other
 15 costs in proceedings in inquest of lunacy.

Sec. 1351. COUNTY JUDGE TO ISSUE WRIT—HEARING.] Upon the filing of the
 2 petition aforesaid, unless the person alleged to be insane shall be brought before
 3 the court without a writ, or unless an affidavit of some credible person shall be
 4 filed setting forth that, in the opinion of the affiant, the physical or mental con-
 5 dition of the said person is such (stating the same) as to render it manifestly
 6 improper that such person be brought before the court, the court shall direct the
 7 clerk to issue a warrant directed to the sheriff or to any constable or to the per-
 8 son having custody or charge of the person alleged to be insane, commanding
 9 such person to be brought before the court at such time and place as the judge
 10 may appoint for the hearing and determining of the matter; and in no case
 11 shall such hearing take place until the person alleged to be insane shall have been
 12 notified as the court shall direct.

Sec. 1352. FORMS OF PETITION AND WARRANT.] The following forms of peti-
 2 tion and warrant shall be deemed sufficient and shall be taken as suggestions
 3 from which other petitions and warrants may be properly framed:

4 1. PETITION FOR INQUIRY INTO INSANITY.

5 IN THE COUNTY COURT OF COOK COUNTY, ILLINOIS.

6 In the matter of }
 7 Richard Roe. } Insane. No. 50.

8 PETITION FOR INQUIRY.

9 The petitioner, John Doe, says:

10 1. Petitioner is a resident of said Cook county.

11 2. Richard Roe, who is a resident of said Cook county, is insane or suffer-
 12 ing under mental derangement and unsafe to be at large and the welfare of him-
 13 self and others requires his restraint or commitment to some hospital or asylum
 14 for the insane.

15 3. The truth of the allegations in this petition contained may be substan-
 16 tiated and proved by Samuel Jones, a regular practicing physician having per-

sonal knowledge of the case, and by Henry Doe and William Doe, all of whom are residents of said Cook county.

4. Said Richard Roe has no property or effects.

Wherefore the petitioner prays for an inquiry according to law.

JOHN DOE.

John Doe on his oath says that the foregoing petition is true to the best of his knowledge, information and belief.

JOHN DOE.

Subscribed and sworn to before me this 10th day of February, 1908.

WILLIAM BROWN, *Clerk*.

NOTE.

In case the person alleged to be insane has not been examined by a physician, the above form may be varied from so that paragraph 3 may read as follows:

3. The facts in the case can be proven by Henry Doe and William Doe, but said Richard Roe has not been examined by a physician.

In case the person alleged to be insane has property and effects, paragraph 4 of the above form may be varied from accordingly.

2. WARRANT.

IN THE COUNTY COURT OF COOK COUNTY, ILLINOIS.

In the matter of	} Insane. No. 50.
Richard Roe.	

WARRANT.

The People of the State of Illinois—GREETING to the sheriff of Cook county:

You are hereby commanded to arrest Richard Roe forthwith and convey and deliver him to the keeper of the department for the insane in Chicago, Cook county, Illinois, who is to receive and keep him in safe custody until ten o'clock A. M. February 17, 1908, at which time he is to be brought before the county court of Cook county, at the county court-house in Chicago, in said county, then and

47 Chicago, in said county, this 10th day of February, 1908.

48 JOHN BROWN, *Clerk.*

Sec. 1353. INQUESTS IN LUNACY TO BE BY JURY OR A COMMISSION OF TWO PHYSICIANS.] Inquests in lunacy shall be by jury or a commission of two licensed physicians engaged in active practice in said county, as hereinafter provided.

Sec. 1354. COMMISSION OF PHYSICIANS.] When no jury is demanded and the
2 circumstances of the case are such that there appears to the court to be no occa-
3 sion for the impaneling of a jury, or that a trial by jury would for any reason
4 be inexpedient, or improper, the court shall appoint a commission of two qualified
5 physicians in regular and active practice who are residents of the county, to be
6 chosen by the court, on account of their known competency and integrity, who
7 shall make a personal examination of the patient and file with the clerk of the
8 court a report in writing verified by affidavit, of the result of their inquiries,
9 together with their conclusions and recommendations. The commissioners here-
10 in provided for shall have power to administer oaths and take sworn testimony.

Sec. 1355. JURY OF SIX—QUALIFIED PHYSICIANS.] In all cases of inquest by
2 jury the jury shall consist of six persons, and one of the jurors at least must
3 be a qualified physician, and the proceedings shall conform in all respects, as
4 nearly as may be, to the ordinary practice of the county court. The rights of the
5 person whose mental condition is inquired into shall be the same as those of any
6 defendant in a civil action.

Sec. 1356. INQUESTS IN OPEN COURT OR IN CHAMBERS OR AT HOME—EXCLUSION
2 OF SPECTATORS.] Inquests in lunacy may be in open court or in chambers, or at
3 the home of the person alleged to be insane, at the discretion of the court. The

4 judge shall preside, whether the inquest is by jury or a commission, and the
 5 presence of the patient shall be indispensable, and no proceedings can be had in
 6 in his absence, unless otherwise provided in this act. The judge may require all
 7 persons other than the patient, his friends, witnesses, licensed attorneys and of-
 8 ficers of the court, to withdraw from the room during the inquest.

Sec. 1357. FINDING OR VERDICT.] The jury or commission, as the case may
 2 be, if they find the person in question insane, shall, in their finding or verdict,
 3 also state, so far as the evidence may justify them in so doing, first, whether he
 4 is or is not a fit person to be sent to a state hospital for the insane; second, his
 5 residence and age; third, the duration of his disease; fourth, the cause of his dis-
 6 ease; fifth, whether the same is or is not hereditary; sixth, whether he is or is
 7 not subject to epilepsy; seventh, whether he does or does not manifest homicidal
 8 or suicidal tendencies, and eighth, the name of the person, if any, who should
 9 furnish clothing and a bond therefor and pay the costs. Such verdict shall be
 10 signed by the persons constituting the commission or jury. The following form
 11 of verdict shall be deemed sufficient and shall be taken as furnishing suggestions
 12 from which other forms of verdicts, or forms of findings of commissions, may be
 13 properly framed:

14 IN THE COUNTY COURT OF COOK COUNTY, ILLINOIS.

15 In the matter of }
 16 Richard Roe. } Insane. No. 50.

17 VERDICT.

18 We, the jury, find as follows:

19 1. That said Richard Roe is insane and is a fit person to be sent to a state
 20 hospital for the insane.

21 2. That he is a resident of said Cook county and that his age is thirty-nine
 22 years.

23 3. That his disease is of six months' duration.

4. That the cause is over mental exertion and worry.

5. That the disease is not with him hereditary.

6. That he is not subject to epilepsy.

7. That he does not manifest homicidal or suicidal tendencies.

8. That clothing and a bond therefor should be furnished and the costs paid by Jane Roe.

NOTE.

If the jury find the person in question to be sane the following form of verdict, after the specification of the court in which the proceeding is pending and the title, classification and number thereof, shall be sufficient:

We, the jury, find said Richard Roe to be sane.

Sec. 1358. COURT MAY SET ASIDE FINDINGS.] The court may, if not satisfied with the finding of the jury or commission, set the same aside and dismiss the proceedings or order another inquest.

Sec. 1359. RECORD OF FINDING.] Upon the return of the finding of the jury or commission, the court shall cause the same to be entered in the proper register and minute book, and shall enter in the register and minute book the proper order, in accordance with the finding of the jury or commission, for the disposition of the person alleged to be insane. Such order may discharge the patient with or without conditions or remand him to the custody of his friends, or commit him to some hospital or asylum for the insane, public or private, within the limits of this state, or to a county insane asylum or insane department of a county almshouse, if there be a county almshouse, or a department for the insane in the county almshouse in the county where such alleged insane person resides. But whatever order may be made in the case shall stand and continue to be binding upon all persons whom it may concern until rescinded, reversed or otherwise legally superseded or set aside.

Sec. 1360. ESTATE OF INSANE PERSON—INQUEST IN LUNACY—APPOINTMENT OF
 2 CONSERVATOR—FILING RECORD IN PROBATE COURT.] If any person alleged to be in-
 3 sane shall be possessed of any estate, real, personal or mixed, it shall be lawful for
 4 the person filing a petition for an inquest in lunacy in his case to make, at the
 5 same time, application for the appointment of a conservator of such alleged luna-
 6 tic. And if such alleged lunatic shall be adjudged insane, or if it shall appear to
 7 the court that any person has been adjudged insane by the court without applica-
 8 tion for a conservator having been made, and that such lunatic is possessed of
 9 any estate, real, personal or mixed, and is still insane, in either case it shall be
 10 lawful for the court, upon petition filed for that purpose, to make an appoint-
 11 ment of a conservator upon the same judgment without further proceedings, and
 12 exercise in respect thereto all the power contained in this act; and such conserva-
 13 tor shall perform the duties and incur the liabilities imposed by said act upon
 14 conservators appointed thereunder: *Provided, however,* that in any county
 15 wherein a probate court has been or may hereafter be established, upon the
 16 filing in such court of the proper petition, together with the duly certified copy
 17 of the record and the verdict of the jury, or the report of the commission of
 18 physicians, and the judgment of the county court thereon, such probate court
 19 may, in its discretion, without further inquest, by jury or commission of physi-
 20 cians, appoint such conservator; and every note, bill, bond or other contract by
 21 any person adjudged insane under the provisions of this act, made after such per-
 22 son has been adjudged insane under this act, shall be void as against such lunatic
 23 and his estate, but a person making any contract with such lunatic shall be bound
 24 thereby.

Sec. 1361. JURISDICTION OF PERSONS NOT CHARGED WITH CRIME.] Jurisdiction
 2 over the persons of insane persons not charged with crime is vested in the county
 3 courts.

Sec. 1362. COURT TO KEEP RECORD.] Each county court shall keep a record
 2 of insanity proceedings, in the form hereinafter in this act prescribed, in which
 3 shall be made such entries as will, together with the papers filed, preserve a
 4 perfect record of each proceeding. The original petitions, warrants and returns
 5 made thereto, and findings or verdicts of commissioners or juries, shall be filed
 6 with the clerk and a copy of the record, whether the person be found to be sane
 7 or insane, shall in each case be furnished to the Charities Commission.

Sec. 1363. INSANE PERSON KEPT AT EXPENSE OF STATE.] All insane persons
 2 admitted to any state hospital or asylum for the insane shall be maintained and
 3 treated, while in the institution, at the expense of the state, but the cost of cloth-
 4 ing, transportation and other incidental expenses not constituting any part of the
 5 maintenance or treatment, shall be defrayed at their own expense, or that of the
 6 county from which they were admitted.

Sec. 1364. COURT TO INQUIRE INTO PECUNIARY CONDITION OF PERSON CHARGED
 2 WITH LUNACY.] It shall be the duty of the court at the time of each inquest in
 3 lunacy to inquire into the pecuniary condition of the person alleged to be insane
 4 and that of the relatives who are bound by law to maintain him. Patients com-
 5 mitted to any state hospital or asylum for the insane shall be designated as pri-
 6 vate or county patients. Private patients are such as are of sufficient pecuniary
 7 ability to pay for their own clothing and incidental expenses while in the institu-
 8 tion, and all others shall be entered upon the docket as county patients.

Sec. 1365. COMMITMENT OF INSANE PERSON TO HOSPITAL—FORMS OF CERTIFI-
 2 CATE AND RECEIPT.] Upon the entry of an order of commitment of any insane
 3 person to a hospital for the insane the clerk of the county court shall prepare a
 4 certified copy of the entries in the register and minute book pertaining to the
 5 proceedings and shall deliver the same to the sheriff, or any suitable person, pre-

ferring some relative of the insane person when desired, and shall specify in the certificate that the same is delivered to the sheriff or other person for the execution of the order of the court. When necessary the clerk may also specify in the certificate that the sheriff or other person may employ one or more assistants: *Provided, however,* that no female patient shall be taken to the hospital or asylum by any person not her husband, father, brother or son, without the attendance of some other female of reputable character and of mature age. Upon receiving such certified copy the sheriff or other person shall convey the insane person to the hospital or asylum and shall deliver such insane person to the superintendent thereof, who, excepting as may be hereinafter otherwise provided, shall, without delay, admit such insane person as a patient in said hospital, and shall execute and deliver to such sheriff or other person a receipt therefor in the form hereinafter prescribed, which receipt shall be returned by such sheriff or other person to the clerk of the court to be filed with the other papers relating to the proceeding. The following forms of certificate of the clerk and receipt in this section provided for shall be deemed sufficient and shall be taken as furnishing suggestions from which other certificates and receipts may be properly framed:

1. CERTIFICATE TO SHERIFF.

IN THE COUNTY COURT OF COOK COUNTY, ILLINOIS.

In the matter of	} Insane. No. 50.
Richard Roe.	

CERTIFICATE.

I, William Brown, clerk of the county court of Cook county, Illinois, do hereby certify that the above and foregoing is a true copy of the register and minute book in the above entitled proceeding and that the same is delivered to the sheriff of Cook county for the execution of the order therein.

Witness my hand and the seal of said court at Chicago, Illinois, this
17th day of February, 1908.

WILLIAM BROWN, *Clerk.*

NOTE.

When assistants are authorized to be employed the above form may be varied from by inserting after the words "the same is delivered to the sheriff of Cook county for the execution of the order therein" the words "and that said sheriff is authorized for that purpose to employ two (or whatever other number may be authorized) assistants."

2. RECEIPT OF SUPERINTENDENT.

IN THE COUNTY COURT OF COOK COUNTY, ILLINOIS.

In the matter of	} Insane. No. 50.
Richard Roe.	

RECEIPT.

Received this 24th day of February, 1908, from George Smith, sheriff of Cook county, Illinois, Richard Roe, to be detained in the (here specify the name of the hospital or asylum) in accordance with the order entered in the above entitled proceeding.

SAMUEL JONES, *Superintendent.*

Sec. 1366. DUTY OF SUPERINTENDENT WHEN THERE IS NO ROOM FOR ADMISSION OF PERSON COMMITTED THERETO.] Whenever, upon the delivery of any insane person to the superintendent of the hospital for the insane, there is no room in such hospital for the admission of such insane person and the county from which such person is sent shall have its full quota of patients in said hospital the superintendent thereof shall return to said county one quiet, harmless, chronic patient; but should said county not have its full quota of said patients in said hospital, the superintendent shall return one quiet, harmless, chronic patient to any county which may have patients in said hospital in excess of its quota, and, should no county have patients in said hospital in excess of its quota, the superintendent shall select the most quiet, harmless, chronic patient in said hospital and return him to the county from which he was committed in order to make

13 room for the patient recently adjudged insane: *Provided, however*, that, if a hos-
 14 pital or asylum for the chronic or incurable insane shall be established, such
 15 chronic patient may be sent to such hospital or asylum for the chronic or incur-
 16 able insane; and *provided further*, that in case it shall not be found possible to
 17 admit such patient to a state hospital or asylum for the insane the court where
 18 such inquest is had may make such further order in the matter as may be requis-
 19 ite and lawful.

Sec. 1367. PRIVATE PATIENT NOT RECEIVED—EXCEPTION.] No private patient
 2 shall be received into any state hospital or insane asylum for the insane, unless.
 3 at or before the time of his admission, there shall have been filed with the super-
 4 intendent a bond, with two good and sufficient sureties, approved by the county
 5 judge, executed to the charities commission, and conditioned that the ob-
 6 ligors shall find the patient in suitable and sufficient clothing, while he may remain
 7 in the institution, and properly pay for any articles of clothing furnished or other
 8 necessary incidental expenses incurred by the institution on account of said pa-
 9 tient, and remove him when required by the commission; and in case of failure
 10 upon the part of the commission to recover upon any bond as approved by the
 11 county judge, the county shall become liable to the institution for the amount
 12 due from the said obligors.

Sec. 1368. COMMUNICATION WITH FRIENDS PERMITTED WHEN.] Every patient
 2 admitted into any public or private hospital or asylum for the insane shall have
 3 all reasonable opportunities and facilities for communication with his friends,
 4 and shall be permitted to write and send letters, provided they contain nothing
 5 of an immoral or personally offensive character, and letters written by any pa-
 6 tient to the charities commission, or to any state or county official shall be for-
 7 warded unopened.

Sec. 1369. RESTRAINT ALLOWED ONLY WHEN.] No patient shall be placed in
 2 restraint or seclusion, in any hospital or asylum for the insane in the state, ex-

cept by the order of the physician in charge; all such orders shall be entered upon a record kept for that purpose, which shall show the reason for the order in each case, and which shall be subject to inspection by the charities commission, and such record shall at all times be open to public inspection.

Sec. 1370. AUTHORITY TO DISCHARGE PATIENTS VESTED IN TRUSTEES.] Authority to discharge patients from either of the state institutions for the insane is vested in the charities commission who are authorized to delegate it to the superintendent, under such regulations as they may see fit to adopt. Discharges may be made for either of the following causes, namely: Because the person adjudged to be insane is not insane, or because he has recovered from the attack of insanity or because he has so far improved as to be capable of caring for himself, or because the friends of the patient request his discharge, and in the judgment of the superintendent no evil consequence is likely to follow such discharge, or because there is no prospect of further improvement under treatment, and the room occupied by an incurable and harmless patient is needed for the admission of others who are unsafe to be kept at large or probably curable. Authority is also vested in the commission to release the patients on parole for any term not exceeding three months; and, if not returned to the institution within that period, a new order of commitment from the county court shall be necessary in order to the readmission of any such paroled patient to the institution: *Provided*, that the court may make such order upon the old verdict, if satisfied that the patient in question is still insane. But no patient who is violent, dangerous or more than usually troublesome or filthy, shall be discharged from any state institution and sent back to any county farm, almshouse or insane department thereof. And no patient who has not recovered his reason or who is charged with crime shall be declared discharged until at least ten days after notice shall have been given to the county court having jurisdiction in the case, in order to enable the said court to make some proper order as to the disposition of the said patient, when so dis-

25 charged, which order shall be entered of record, and a copy of the entries on
 26 the register and minute book pertaining to the proceeding shall be furnished to
 27 the superintendent, and to the charities commission.

Sec. 1371. NOT DISCHARGED WITHOUT SUITABLE CLOTHING AND MONEY.] No
 2 person shall be discharged from a state hospital or asylum for the insane with-
 3 out suitable clothing and a sum of money, not exceeding twenty dollars, sufficient
 4 to defray his expenses home, which shall be charged to the patient, if a private pa-
 5 tient, and if a county patient, to the county, and collected as other debts due the
 6 institution are collected.

Sec. 1372. ENTITLED TO HABEAS CORPUS.] Every person confined as insane
 2 shall be entitled to the benefit of the writ of habeas corpus, and the question of
 3 insanity shall be decided at the hearing, and if the court shall decide that the
 4 person is insane such decision shall be no bar to the issuing of the writ a second
 5 time whenever it shall be alleged that such person has been restored to reason;
 6 and if said person shall be adjudged sane, on presentation of a certified copy of
 7 said judgment to the county court where the inquest was had, such court shall re-
 8 scind and set aside the judgment of insanity.

Sec. 1373. DISCHARGED—RECEIPT OF SUPERINTENDENT.] Whenever notice shall
 2 have been given to any county court that any patient committed to any hospital
 3 or asylum in this state, under the order of said court, has been discharged cured,
 4 upon receipt of such notice signed by the superintendent the court shall enter an
 5 order restoring the patient in question to all his rights as a citizen, and, if a con-
 6 servator of his estate shall have been appointed, the said conservator shall be re-
 7 moved. At any time, subsequent to the discharge of any patient, the county court
 8 may hear evidence tending to show that said patient has been restored to reason
 9 and, if satisfied of his recovery, may make and enter a similar order, and thereaf-
 10 ter the said patient shall not be liable to be again committed to any hospital or
 11 asylum for the insane without a new inquest in his case.

Sec. 1374. ESCAPE.] If any patient shall escape from the hospital it shall be
 2 the duty of any sheriff or officer of the peace in any county in which he may be
 3 found to apprehend and detain him, and to report the same to the county court
 4 of said county, who shall return him to the institution at the expense of the county
 5 from which he was committed.

Sec. 1375. DEATH OF PATIENT—PROCEEDINGS.] In the event of a sudden or
 2 mysterious death of any inmate of any public or private hospital or asylum for
 3 the insane, a coroner's inquest shall be held, as provided by law in other cases,
 4 notice of the death of a patient and the cause thereof shall, in all cases, be given
 5 to the court having jurisdiction over such patient, and the fact of his death, with
 6 the time, place and alleged cause, shall be entered upon the register and minute
 7 book.

Sec. 1376. CONSPIRACY TO COMMIT—PENALTY.] Any person who shall conspire
 2 to commit any person to any hospital or asylum for the insane unlawfully or
 3 improperly, or any person who shall receive or detain any insane person, con-
 4 trary to the provisions of this act, or any person who shall maltreat any insane
 5 person, or any person who shall violate any provision contained in this act, shall
 6 be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined
 7 not exceeding one thousand dollars, or imprisoned not exceeding one year, or
 8 both, at the discretion of the court in which such conviction is had.

Sec. 1377. COSTS OF PROCEEDINGS.] The costs of proceedings in inquests of
 2 lunacy in case of county patients shall be defrayed from the county treasury; but
 3 in case of private patients, if the person alleged to be insane is found to be insane,
 4 they shall be paid by his guardian or conservator or relatives out of his estate, as
 5 the court may direct. In all cases where the person alleged to be insane is found
 6 not to be insane, the court may, in its discretion, require that the costs shall be
 7 paid by the person who filed the petition provided for in this act and award

8 judgment against him therefor. The fees paid for jury service, attendance of
 9 witnesses and execution of legal process shall be the same which are allowed by
 10 law for similar services in other cases. For services as commissioner to make in-
 11 quests the sum of five dollars per day and the actual and necessary traveling
 12 expenses shall be allowed and paid to each person so employed. But when any
 13 person having a residence in this State shall be adjudged to be insane by the
 14 county court of any county of which he is not a resident, the county court in the
 15 county in which the said person resides shall be furnished with a transcript of
 16 the record and finding in the case, and thereupon the said county shall become
 17 liable for the cost of proceedings and for the cost of clothing, transportation
 18 and other incidental expenses of such patient while in the institution. And when
 19 any soldier or sailor in any soldiers' and sailors' home shall be declared insane,
 20 such soldier or sailor shall be received by some state hospital.

Sec. 1378. NOT TO APPLY TO PERSONS IN CUSTODY ON CRIMINAL CHARGE.] Noth-
 2 ing in this act shall be construed to apply to insane persons, or persons supposed
 3 to be insane, who are in custody on a criminal charge.

Sec. 1379. CONVICTS IN PENITENTIARY MAY BE ADMITTED WHEN.] Insane con-
 2 victs in the state penitentiaries may be committed to the asylum for insane crim-
 3 inals without formal inquest on the certificate of the penitentiary physician.

Sec. 1380. INSANE PERSONS—NON-RESIDENT MAY BE ADMITTED WHEN.] Insane
 2 persons not residents of this State shall not be detained in any private institution
 3 for the insane of this State unless committed thereto in accordance with the laws
 4 of the state or territory of which they are residents, or with the laws of this
 5 State.

Sec. 1381. EARLY STAGES OF INSANITY—TREATMENT.] Any person who may be
 2 in the early stages of insanity who may desire the benefit of treatment in a State
 3 or licensed private hospital for the insane as a voluntary patient, may be ad-

mitted to such hospital on his own written application, accompanied by a certificate from the county court of the county in which such applicant resides, stating that such person is a private or county patient, as the case may be, and such person shall, if admitted to a State or licensed private hospital for the insane, have the same standing as other private or county patients: *Provided*, that all voluntary patients shall have the right to leave the hospital at any time on giving three days' notice to the superintendent.

Sec. 1382. ACQUITTAL OF CRIME ON PLEA OF INSANITY—PROCEEDINGS.] In all cases where any person is sent to a State hospital for the insane, being acquitted of crime on the plea of insanity, or being under indictment for crime, the state's attorney in charge of the case shall officially notify the superintendent of the hospital to which the accused is sent, of any indictment pending against such person, or of the fact that the accused has been acquitted of his crime, on the plea of insanity, and it shall be the duty of the superintendent so notified, in case such superintendent shall at any time discharge the accused, to officially notify the said state's attorney of the fact of such discharge and the reasons therefor.

Sec. 1383. SUPERINTENDENT TO FURNISH CLERK WITH LIST.] Each superintendent of any hospital for the insane in this State, shall hereafter, on the first day of January and July of each year, furnish the clerk of the county court of the proper county thereof, with a full and complete list of all insane patients confined in said hospital from said county, stating the date of admission of each, whether said patients be paupers, the present physical and mental condition of each; also giving the names of such as may have died or been discharged since last report, with date of such death or discharge.

Sec. 1384. PENALTY.] Any such superintendent failing to comply with the foregoing section shall be liable to a fine of one hundred dollars for each failure, to be collected by suit, in the county wherein such hospital is situate, on complaint

4 of such clerk of the county court, or other person having relatives or friends con-
5 fined in said hospital.

Sec. 1385. BLANK FORMS TO BE PREPARED.] It shall be the duty of the Attor-
2 ney General, immediately upon the taking effect of this act, to prepare or cause
3 to be prepared, suitable forms, in addition to those prescribed by this act, of
4 papers to be used in insanity proceedings, which shall be uniform, as near as
5 may be, throughout the state, and submit the same to the judges of the supreme
6 court for their approval, and the forms so prepared and approved shall be
7 adopted and used by all courts of this State exercising jurisdiction in such pro-
8 ceedings.

DIVISION LVI.

PRACTICE IN COURTS OF RECORD IN PEACE PROCEEDING.

SECTION

- 1386. Complaint—requisites—form.
- 1387. Filing complaint—order for warrant—
form.
- 1388. Arrest of defendant—hearing—order
—recognizance—form.
- 1389. Discharge or commitment of defend-
ant.
- 1390. Costs of prosecution.

SECTION

- 1391. Appeal—recognizance—form.
- 392. Defendant committed discharged when.
- 1393. Sureties may surrender principal.
- 1394. Persons surrendering may recognize
anew.
- 1395. No dismissal for informality, etc.

Sec. 1386. COMPLAINT—REQUISITES—FORM.] When any person shall com-
2 plain to a court of record that a person has threatened or is about to commit
3 an offense against the person or property of another, such complaint shall be

13 The People of the
14 State of Illinois
15 v.
16 Richard Roe. } Peace Proceeding. No. 25.

18 John Doe, who prosecutes in this behalf in the name and by the authority
19 of the People of the State of Illinois, on his oath complains and says that on the
20 first day of January, 1908, at Joliet, in said county of Will, Richard Roe did
21 unlawfully threaten that he, the said Richard Roe, would kill and murder him,
22 the said John Doe, against the peace and dignity of the same People of the State
23 of Illinois.

JOHN DOE.

25 THOMAS JONES, *Clerk.*

2 so subscribed and sworn to shall be delivered to the clerk of the court, who shall
3 thereupon file the same and forthwith bring the same to the attention of the
4 court and the court may thereupon further examine the complaining witness and
5 any witness produced by him. If, from the said complaint and from such evi-
6 dence as may be produced before the court in support of the same, the court is
7 satisfied that there is danger that such offense will be committed, the case shall
8 be duly entered by the clerk in the proper register and minute book under the

9 title of the People of the State of Illinois against the person accused, and the
 10 court shall order the clerk to issue a warrant directed to the sheriff and all
 11 constables of the county requiring them to forthwith apprehend the person com-
 12 plained of and bring him before the court and such warrant shall thereupon be
 13 issued by the clerk and may be in substantially the following form:

14 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

15	The People of the	} Peace Proceeding. No. 25.
16	State of Illinois	
17	v.	
18	Richard Roe.	

19 WARRANT.

20 The People of the State of Illinois—GREETING to the sheriff and all constables of
 21 Will county:

22 We command you that you take Richard Roe and him safely keep so that you
 23 have his body instanter before the county court of Will county, at the county
 24 court-house in Joliet, in said county, to answer to the People of the State of
 25 Illinois for having threatened to kill and murder one John Doe, with which the
 26 said Richard Roe stands charged in our said court as by a certain complaint on
 27 oath preferred against him and filed in said court in that behalf appears, and to
 28 be dealt with according to law.

29 Witness John Jones, clerk of our said county court and the seal thereof at
 30 Joliet, aforesaid, this 10th day of January, 1908.

31 JOHN JONES, *Clerk.*

Sec. 1388. ARREST OF DEFENDANT—HEARING—ORDER—RECOGNIZANCE—FORM.]

2 The officer to whom the warrant is delivered shall execute the same, when prac-
 3 ticable, by arresting the defendant and bringing him before the court. When
 4 the defendant is brought before the court, if the charge is controverted, the
 5 testimony of both sides shall be heard. If it shall appear to the court that
 6 there is no just reason to fear the commission of the offense the defendant
 7 shall be discharged; and, if the court be of the opinion that the prosecution was

8 commenced maliciously without proper cause, the court may give judgment
 9 against the complainant for the costs of the prosecution. If, however, there is
 10 just reason to fear the commission of such offense the defendant shall be re-
 11 quired to give a recognizance with sufficient security in such sum as the court
 12 may direct to keep the peace towards all the people of the state, and especially
 13 towards the person against whom or whose property there is just reason to
 14 fear the offense may be committed, for such time, not exceeding twelve months,
 15 as the court may order. Such recognizance may be in substantially the follow-
 16 ing form, to-wit:

17 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

18	The People of the	} Peace Proceeding.. No. 25.
19	State of Illinois	
20	v. Richard Roe.	

21 **RECOGNIZANCE.**

22 This day personally appeared before the undersigned, judge of the county
 23 court of Will county, Richard Roe, as principal, and William Roe and William
 24 Smith, as sureties, and jointly and severally acknowledged themselves to owe and
 25 to be indebted unto the People of the State of Illinois in the penal sum of five
 26 hundred dollars (\$500) to be levied of their goods and chattels, lands and tene-
 27 ments, respectively, in such manner as the law directs.

28 The condition of this recognizance is such that if the above bounden
 29 Richard Roe shall keep the peace towards all the people of this state, and
 30 especially towards John Doe of said Will county, for six months from the 12th
 31 day of January, 1908, then this recognizance is to be void; otherwise the same
 32 is to be and remain in full force and effect.

33 Witness our hands and seals at Joliet, Illinois, this 12th day of January,
 34 1908.

RICHARD ROE, [SEAL.]

WILLIAM ROE, [SEAL.]

WILLIAM SMITH, [SEAL.]

37 Taken, acknowledged and entered into before me this 12th day of January,
 38 1908. WILLIAM JONES, *Judge*.

Sec. 1389. DISCHARGE OR COMMITMENT OF DEFENDANT.] If the person so
 2 ordered to recognize complies with the order he shall be discharged, but if he
 3 refuses or neglects the court shall order him committed to jail during the period
 4 for which he was required to give security, or until he so recognize, stating in
 5 the order the cause of the commitment with the sum and time for which the
 6 security was required.

Sec. 1390. COSTS OF PROSECUTION.] When a person is required to give se-
 2 curity to keep the peace or for his good behavior the court may further order
 3 that the costs of prosecution, or any part thereof, shall be paid by such person,
 4 who shall stand committed until the costs are paid or he is otherwise legally dis-
 5 charged.

Sec. 1391. APPEAL—RECOGNIZANCE—FORM.] Whoever is aggrieved by the
 2 order of the court requiring him to recognize as aforesaid may prosecute an
 3 appeal from such order to the appellate court of the proper district by filing in
 4 the office of the clerk of the court in which the order is entered a notice of ap-
 5 peal, and entering into a recognizance conditioned that he will pay the costs of
 6 the appeal in case the order is affirmed or the appeal dismissed, and that he
 7 will keep the peace towards all the people of this state, and especially towards
 8 the person against whom or whose property there is reason to fear the offense
 9 may be committed, for such time, not exceeding twelve months, as the court
 10 may order. Such recognizance may be in substantially the following form:

11 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

12 The People of the 13 State of Illinois 14 v. 15 Richard Roe.	}	Peace Proceeding. No. 25.
--	---	---------------------------

16 RECOGNIZANCE.

17 This day personally appeared before the undersigned, judge of the county
 18 court of Will county, Illinois, Richard Roe as principal, and William Roe and

19 William Smith, as sureties, and jointly and severally acknowledged themselves
 20 to owe and to be indebted unto the People of the State of Illinois in the penal
 21 sum of five hundred dollars (\$500) to be levied of their goods and chattels, lands
 22 and tenements, respectively, in such manner as the law directs.

23 The condition of this recognizance is such that whereas the county court
 24 of Will county, Illinois, did, on the 12th day of January, 1908, order and re-
 25 quire the above bounden Richard Roe to give a recognizance with sufficient
 26 security in the sum of five hundred dollars (\$500) to keep the peace towards all
 27 the people of this state, and especially towards John Doe, for twelve months
 28 from the 12th day of January, 1908, and to pay the costs of the action as to
 29 which order the said Richard Roe has filed a notice of appeal to the appellate
 30 court of the second district.

31 Now, therefore, if the said appellant, Richard Roe, shall pay the costs of
 32 the appeal in case the said order is affirmed or the appeal dismissed and shall
 33 also keep the peace towards all the people of this state and especially towards
 34 the said John Doe for six months from the 12th day of January, 1908, then this
 35 recognizance is to be void; otherwise the same is to be and remain in full force
 36 and virtue.

RICHARD ROE, [SEAL.]

37 WILLIAM ROE, [SEAL.]

38 WILLIAM SMITH, [SEAL.]

39 Taken, acknowledged and entered into before me this 12th day of January,
 40 1908.

WILLIAM JONES, *Judge*.

Sec. 1392. DEFENDANT COMMITTED DISCHARGED WHEN.] A person committed
 2 for not finding sureties or refusing to recognize as required by the court may
 3 be discharged by the court on giving such security as was required.

Sec. 1393. SURETIES MAY SURRENDER PRINCIPAL.] The sureties of any person
 2 bound by an order of court to keep the peace may at any time surrender their
 3 principal to the sheriff under the same rules and regulations governing the
 4 surrender of the principal in other criminal actions.

Sec. 1394. PERSON SURRENDERING MAY RECOGNIZE ANEW.] Any person so
 2 surrendering may recognize anew with sufficient sureties before the court for
 3 the residue of the time and shall thereupon be discharged.

Sec. 1395. NO DISMISSAL FOR INFORMALITY, ETC.] No proceeding to prevent
 2 a breach of the peace shall be dismissed on account of any informality or in-
 3 sufficiency of the complaint, or of any writ or proceeding, but the same may be
 4 amended by the order of the court to conform to the truth in the case.

DIVISION LVII.

PRACTICE IN COURTS OF RECORD IN SEARCH WARRANT PROCEEDINGS.

SECTION

- 1396. Complaint—requisites—form.
- 1397. Filing of complaint—order—warrant
—form.
- 1398. Power of officer.
- 1399. Return of officer.

SECTION

- 1400. Keeping property—final disposition.
- 1401. When costs taxed against complainant.
- 1402. Search of person for weapons.

Sec. 1396. COMPLAINT—REQUISITES—FORM.] When any person shall com-
 2 plain to a court of record that personal property (particularly describing the
 3 same) has been stolen, embezzled or fraudulently obtained by false tokens or
 4 pretenses and that the complainant believes that it is concealed in any house or
 5 place (particularly describing the same), such complaint shall be reduced to
 6 writing and shall be subscribed and sworn to by the person complaining. The
 7 following form of complaint shall be deemed sufficient and shall be taken as
 8 furnishing suggestions from which other complaints may be properly framed:

9

IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

10	The People of the	} Search Warrant. No. 21.
11	State of Illinois	
12	v.	
13	No. 95 Main Street	
14	Joliet, Illinois.	

15

COMPLAINT.

16 John Doe, who prosecutes in this behalf in the name and by the authority
 17 of the People of the State of Illinois, on his oath complains to the county court
 18 of Will county and says that on or about the first day of January, 1908, the
 19 following described goods and chattels of him, the said John Doe, to-wit: one
 20 open faced Elgin gold watch and ten silver table spoons were feloniously taken,
 21 stolen and carried away and this complainant verily believes that the said goods
 22 and chattels, or a portion thereof, are now concealed in the premises known as
 23 No. 95 Main Street, Joliet, in said county of Will and that the following are this
 24 complainant's reasons for the said belief, to-wit: that complainant was this
 25 day informed by one William Smith that he, the said William Smith, saw the
 26 said property upon said premises on the second day of January, 1908.

27 Wherefore this complainant prays that a search warrant may issue accord-
 28 ing to law.

JOHN DOE.

29 Subscribed and sworn to before me this 3d day of January, 1908.

30

WILLIAM BROWN, *Clerk.*

Sec. 1397. FILING OF COMPLAINT—ORDER—WARRANT—FORM.] The complaint
 2 when so subscribed and sworn to shall be delivered to the clerk of the court who
 3 shall thereupon file the same and forthwith bring the same to the attention of the
 4 court and the court may thereupon further examine the complaining witness
 5 and any witness produced by him. If, from said complaint and from such evi-
 6 dence as may be produced before the court in support of the same, it shall appear
 7 to the court that the personal property described in the complaint has been
 8 stolen, embezzled or fraudulently obtained by false tokens or pretenses and

9 that there is reasonable cause for the complainant's belief that such personal
 10 property is concealed in the house or place described in the complaint, the pro-
 11 ceeding shall be duly entered by the clerk in the register and minute book, under
 12 the title of the People of the State of Illinois against the house or place to be
 13 searched, and the court shall order the clerk to issue a warrant directed to the
 14 sheriff and to all constables of the county commanding the officer to whom the
 15 same is delivered to search, either in the daytime or the nighttime, the house
 16 or place where the property or things described in the complaint are believed to
 17 be concealed, which place and property shall be particularly designated and
 18 described in the warrant, and to bring such property when found, and the per-
 19 son in whose possession it is found, before the court. Such warrant shall there-
 20 upon be issued by the clerk and may be in substantially the following form:

21 IN THE COUNTY COURT OF WILL COUNTY, ILLINOIS.

22	The People of the	}	Search Warrant. No. 21.
23	State of Illinois		
24	v.		
25	No. 95 Main Street,		
26	Joliet, Illinois.		

27 SEARCH WARRANT.

28 The People of the State of Illinois—GREETING to the sheriff and all constables of
 29 Will County, Illinois:

30 We command you to forthwith search, either in the daytime or nighttime,
 31 the premises known as No. 95 Main Street, in Joliet, Illinois, situated in the
 32 county of Will aforesaid, and bring before the county court of Will county, at the
 33 county court-house in Joliet in said county, the following property, to-wit: one
 34 open faced Elgin gold watch and ten silver table spoons, being the property
 35 of one John Doe, and also bring before the court the person or persons in whose
 36 possession the said personal property may be found.

37 Witness William Brown, clerk of our said court and the seal thereof at
 38 Joliet, aforesaid, this 3d day of January, 1908.

39 WILLIAM BROWN, *Clerk.*

Sec. 1398. **POWER OF OFFICER.]** The officer may break open any outer or
2 inner door or window of the house, or anything therein, if, after notice of his
3 authority and purpose, he is refused admittance, using no more force than is
4 necessary.

Sec. 1399. **RETURN OF OFFICER.]** The return of the officer shall particularly
2 specify the property taken and the place where and the person from whom the
3 same is taken.

Sec. 1400. **KEEPING PROPERTY—FINAL DISPOSITION.]** When an officer in the
2 execution of a search warrant finds stolen or embezzled property, or seizes any
3 of the other things for which a search warrant is allowed by the provisions
4 hereof, all the property and things so seized shall be safely kept by the direc-
5 tion of the court so long as necessary for the purpose of being produced or
6 used as evidence on the trial. As soon as may be afterwards all such stolen
7 and embezzled property shall be restored to the owner thereof and all the other
8 things seized by virtue of such warrant shall be burned or otherwise destroyed
9 under the direction of the court.

Sec. 1401. **WHEN COSTS TAXED AGAINST COMPLAINANT.]** If, on the hearing,
2 it appears that there was no proper cause for suing out the warrant the whole
3 costs may be taxed against the complainant and execution awarded.

Sec. 1402. **SEARCH OF PERSON FOR WEAPONS.]** When any person charged
2 with a felony is brought before the court and suspected to have upon his person
3 a dangerous weapon or anything that may be used as evidence of the commis-
4 sion of the offense, the court may direct him to be searched in the presence of
5 the court and such weapon or other thing to be retained subject to the order of
6 the court in which the defendant may be tried

DIVISION LVIII.

PRACTICE IN COURTS OF RECORD IN EXAMINATION PROCEEDINGS.

SECTION

1403. Complaint—form.
 1404. Filing of complaint—order—warrant—form.
 1405. Designation of defendant when name unknown.
 1406. Warrant may be directed to person named.
 1407. Officer may pursue person escaping.
 1408. Arrest out of county—duty of officer.
 1409. Power of officer.
 1410. Before what court person arrested to be brought.
 1411. Adjournment—commitment—recognizance—form.
 1412. Non-appearance of defendant—default and forfeiture, etc.
 1413. Commitment of defendant—bringing defendant before court.

SECTION

1414. No discharge for informality—amendment.
 1415. Examination — discharge — commitment—recognizance—form.
 1416. Recognizance of witness—form.
 1417. Recognizance of married woman or minor.
 1418. Commitment of witnesses.
 1419. Order of commitment.
 1420. Duty of sheriff—delivery of copy to defendant.
 1421. Taking, transcribing and certifying testimony.
 1422. Procedure when offense not punishable by death or confinement in penitentiary.
 1423. Procedure when offense punishable by death or confinement in penitentiary.

Sec. 1403. COMPLAINT—FORM.] When any person shall complain to a

2 court of record that any criminal offense has been committed which is punish-
 3 able by death or confinement in the penitentiary, such complaint shall be reduced
 4 to writing and shall be subscribed and sworn to by the person complaining.
 5 Such complaint shall contain a concise statement of the offense charged to have
 6 been committed and the name of the person accused, and that the complainant
 7 has just and reasonable grounds to believe that such person committed the of-
 8 fense. Such complaint may be in substantially the following form:

9 IN THE COUNTY COURT OF DuPAGE COUNTY, ILLINOIS.

10 The People of the
 11 State of Illinois
 12 v.
 13 Richard Roe.

Examination. No. 20.

COMPLAINT.

14
 15 John Doe, of Wheaton in said DuPage County, who prosecutes in this be-
 16 half in the name and by the authority of the People of the State of Illinois, on

17 his oath complains and says that he has just and reasonable grounds to believe
 18 that Richard Roe did, on the first day of January, 1908, at Wheaton, in the
 19 county aforesaid, feloniously take, steal and carry away one gold watch, then
 20 and there being the personal property of him, the said John Doe, of the value
 21 of twenty-five dollars (\$25), against the peace and dignity of the same people of
 22 the State of Illinois, and the said John Doe further says upon his oath that the
 23 said offense has been committed and that the following are the grounds of his
 24 belief that the said Richard Roe committed the same, to-wit: that he, the said
 25 John Doe, on the second day of January, 1908, saw the said gold watch in the
 26 possession of him, the said Richard Roe.

27 Wherefore the said John Doe prays that a warrant may issue against the
 28 said Richard Roe according to law. JOHN DOE.

29 Subscribed and sworn to before me this 2d day of January, 1908.

30 JOSEPH BROWN, *Clerk*.

Sec. 1404. FILING OF COMPLAINT—ORDER—WARRANT—FORM.] The complaint,
 2 when so subscribed and sworn to, shall be delivered to the clerk of the court,
 3 who shall thereupon file the same and forthwith bring the same to the attention
 4 of the court, and the court may thereupon further examine the complaining wit-
 5 ness and any witness produced by him. If, from the said complaint and from
 6 such evidence as may be produced before the court in support of the same, it
 7 shall appear to the court that the offense therein specified has been committed,
 8 the action shall, by the order of the court, be duly entered by the clerk in the
 9 proper register and minute book, and the court shall direct the clerk to issue a
 10 warrant directed to all sheriffs, coroners and constables within this state, stat-
 11 ing the offense by name or so that it can be clearly inferred, the name of the
 12 person accused, and requiring the officer to whom it is directed forthwith to take
 13 the person of the accused and bring him before the court, and such warrant shall
 14 thereupon be issued by the clerk and may be in substantially the following form:

IN THE COUNTY COURT OF DUPAGE COUNTY, ILLINOIS.

16 The People of the }
 17 State of Illinois } Examination. No. 50.
 18 v. " }
 19 Richard Roe. }

WARRANT.

21 The People of the State of Illinois—GREETING to all sheriffs, coroners and con-
 22 stables within this state:

23 We command you that you take Richard Roe and him safely keep, so that
 24 you may have his body instanter before the county court of DuPage County, at
 25 the county court-house in Wheaton in said county, to answer to the People of the
 26 State of Illinois for and concerning the offense of larceny of one gold watch of
 27 the value of twenty-five dollars (\$25), the property of one John Doe, with which
 28 the said Richard Roe stands charged in our said court, as by a certain complaint
 29 on oath preferred against him and filed in said court in that behalf appears,
 30 and to be dealt with according to law.

31 Witness James Smith, clerk of our said county court and the seal thereof,
 32 at Wheaton aforesaid, this 2d day of January, 1908.

33 JAMES SMITH, *Clerk.*

Sec. 1405. DESIGNATION OF DEFENDANT WHEN NAME UNKNOWN.] If the name
 2 of the defendant is unknown to the complainant or to the court, he may be desig-
 3 nated by any name, description or circumstance by which he can be identified
 4 with reasonable certainty, and if upon arrest he refuses to disclose his true name,
 5 he may be tried and convicted by the name used in the warrant.

Sec. 1406. WARRANT MAY BE DIRECTED TO PERSON NAMED.] When the court
 2 orders the issuance of a warrant it may also by such order authorize a person
 3 to be named in the order to execute the same and the warrant shall thereupon be
 4 directed to all sheriffs, coroners and constables within this state and to the per-
 5 son so named in such order, and the person so named may execute such warrant

6 in the same manner and shall have like powers as if he were an officer named in
 7 the warrant, and all sheriffs, coroners and constables and others, when required
 8 in their respective counties, shall aid in the execution of such warrant.

Sec. 1407. OFFICER MAY PURSUE PERSON ESCAPING.] If a person against whom
 2 a warrant is issued out of a court of record for any alleged offense, before or
 3 after the issuing of such warrant, escapes from or out of the county in which
 4 such warrant is issued, the officer to whom such warrant is directed may pursue
 5 and apprehend the party charged in any county of this state, and for that pur-
 6 pose may command aid and exercise the same authority as in his own county.

Sec. 1408. ARREST OUT OF COUNTY—DUTY OF OFFICER.] When a person is ar-
 2 rested under a warrant issued out of a court of record, and such arrest is made in
 3 a county other than that in which the warrant is issued, the officer shall take
 4 him before the court out of which the warrant shall have issued, or, in case no
 5 judge be present at such court, then to any other court of record in such county at
 6 which a judge may then be present.

Sec. 1409. POWER OF OFFICER.] The officer or any person having custody of a
 2 prisoner by authority of any warrant issued out of a court of record may pass
 3 through any counties which may be in his route between the place of arrest and
 4 the place to which he is taking the prisoner, and may lodge the prisoner in any
 5 jail on the route for safe keeping for one night or more as circumstances may
 6 require.

Sec. 1410. BEFORE WHAT COURT PERSON ARRESTED TO BE BROUGHT.] Every per-
 2 son arrested by warrant out of a court of record for any offense where no other
 3 provision is made for his examination thereon, shall be brought before the court
 4 by which the warrant has been ordered to issue, or if there be no judge in attend-
 5 ance upon such court, then before some other court of record in such county, and
 6 the warrant, with the proper return thereon signed by the person who made the

7 arrest, together with a copy of the complaint, shall be delivered to the clerk of said
 8 court and shall be by him filed, and in such case the proceeding shall be docketed
 9 in said court and shall be conducted as if originally commenced in said court and
 10 the officer shall report to the court out of which the warrant issued the disposi-
 11 tion made thereof.

Sec. 1411. ADJOURNMENT—COMMITMENT—RECOGNIZANCE—FORM.] The court

2 may, for good cause appearing, adjourn an examination or trial pending before
 3 it from time to time as occasion may require, not exceeding thirty days at any one
 4 time, without the consent of the defendant or person charged. In the meantime if
 5 the party is charged with an offense not bailable he shall be committed; otherwise
 6 he may be recognized in a sum and with sureties to the satisfaction of the court
 7 for his appearance from day to day and for his abiding the order of the court in
 8 all things and not departing the same without leave until the final order of the
 9 court. Upon such examination, for want of such recognizance, he shall be com-
 10 mitted to jail. No such proceeding shall be deemed discontinued because of the
 11 failure of the court to proceed with the case at the time to which an adjournment
 12 may be had, but such proceeding shall remain under the control of the court until
 13 the entry of the final order therein. The recognizance in this section provided for
 14 may be in substantially the following form:

15 IN THE COUNTY COURT OF DUPAGE COUNTY, ILLINOIS.

16	The People of the	} Examination. No. 20.
17	State of Illinois	
18	v.	
19	Richard Roe.	

20 RECOGNIZANCE.

21 This day personally appeared before the undersigned, the judge of the
 22 county court of DuPage county, Illinois, Richard Roe, as principal, and Thomas
 23 Jones and William Smith, as sureties, and jointly and severally acknowledged
 24 themselves to owe and to be indebted unto the People of the State of Illinois in the
 25 penal sum of one thousand dollars (\$1,000) to be levied of their goods and chat-
 26 tels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the county court of DuPage county, at the county court-house in Wheaton in said county, from day to day hereafter until the entry of the final order of the court, upon a certain complaint therein preferred against him charging him with the offense of larceny of a gold watch of the value of twenty-five dollars (\$25), the property of one John Doe, being the case of the People of the State of Illinois v. Richard Roe, Examination, No. 20, and shall abide the order of said court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Wheaton, Illinois, this second day of January, 1908.

RICHARD ROE, [SEAL.]

THOMAS JONES, [SEAL.]

WILLIAM SMITH, [SEAL.]

Taken, acknowledged and entered into before me this second day of January, 1908.

THOMAS SMITH, *Judge*.

Sec. 1412. NON-APPEARANCE OF DEFENDANT—DEFAULT AND FORFEITURE, ETC.]

If the person so recognized does not appear before the court according to the condition of such recognizance, the court shall enter an order of default against such person and his sureties and a judgment of forfeiture thereon, and the clerk of the court shall thereupon issue a summons to such person and his sureties, and other proceedings shall be had thereon as provided in this act with respect to actions on recognizance.

Sec. 1413. COMMITMENT OF DEFENDANT—BRINGING DEFENDANT BEFORE COURT.]

When a person fails to recognize he may be committed to jail by an order of the court, which order shall contain a concise statement of the reason of such com-

1 place appointed for his examination, and on the day ap-
 2 pointed before the court by a verbal order of the court to the
 3 prisoner or by an order of the judge in writing to a dif-

4 **FOR INFORMALITY—AMENDMENT.]** The prisoner shall
 5 be brought on account of any insufficiency or informality in
 6 the warrant, if it is not under seal, but the warrant may be amended by
 7 the court without discharging the proceedings.

8 **CHARGE—COMMITMENT—RECOGNIZANCE—FORM.]**
 9 If a prisoner charged with a criminal offense punishable by death
 10 is brought before it with or without a war-
 11 rant, the court shall examine the witness or witnesses in support of the
 12 charge, and those who may be produced on behalf of the accused, on
 13 the oath of the party charged, in relation to any matter connected
 14 with the charge which the court may deem pertinent. While a witness is being

15 examined before the court, if it sees cause therefor, may exclude from the place of exami-
 16 nation all the other witnesses, or direct the witnesses to be kept separate so that
 17 they cannot converse with each other until they have been examined. If it ap-
 18 pears to the court upon the whole examination that no offense has been commit-
 19 ted, or that there is no probable cause for charging the prisoner with the offense,
 20 he shall be discharged. If it appears that an offense has been committed and that
 there is probable cause to believe the prisoner guilty, and if the offense is bailable
 by the court and the prisoner offers sufficient bail, a recognizance shall be taken
 and the prisoner released from custody; but if no sufficient bail is offered or the
 offense is not bailable by the court, the court shall enter an order committing the
 prisoner to jail for trial in the court in which such examination proceeding is
 pending, if the criminal action be one within the jurisdiction of such court, or,
 if the action be one not within the jurisdiction of such court, then in some court of

21 the proper county having jurisdiction of such action: *Provided, however, that*
 22 when the examination proceeding is pending in the circuit court of Cook county
 23 or in the superior court of Cook county, the prisoner shall be committed to jail
 24 for trial in the criminal court of Cook county. The recognizance in this section
 25 provided for may be in substantially the following form:

25 IN THE COUNTY COURT OF DUPAGE COUNTY, ILLINOIS.

26 The People of the }
 27 State of Illinois } Examination. No. 20.
 28 v. }
 29 Richard Roe. }

30 RECOGNIZANCE.

31 This day personally appeared before the undersigned, judge of the county
 32 court of DuPage county, Richard Roe, as principal, and Thomas Jones and Wil-
 33 liam Smith, as sureties, and jointly and severally acknowledged themselves to
 34 owe and to be indebted unto the People of the State of Illinois in the penal sum of
 35 two thousand dollars (\$2,000), to be levied of their goods and chattels, lands and
 36 tenements, respectively, in such manner as the law directs.

37 The condition of this recognizance is such that if the said Richard Roe shall
 38 personally be and appear before the circuit court of DuPage county at the county
 39 court-house, in Wheaton in said DuPage county, on the 4th day of February,
 40 1908, at the opening of court on that day, and from day to day thereafter until
 41 the final sentence or order of the court, to answer for the offense of larceny of a
 42 gold watch of the value of twenty-five dollars (\$25), the property of one John
 43 Doe, and shall abide such final sentence or order and not depart the court without
 44 leave, then this recognizance is to be void; otherwise the same is to be and remain
 45 in full force and virtue.

46 Witness our hands and seals at Wheaton aforesaid this second day of Febru-
 47 ary, 1908.

48		RICHARD ROE,	[SEAL.]
49		THOMAS JONES,	[SEAL.]
50		WILLIAM SMITH,	[SEAL.]

51 Taken, acknowledged and entered into before me this second day of January,
 52 1908.

53 THOMAS SMITH, *Judge*.

Sec. 1416. RECOGNIZANCE OF WITNESS—FORM.] When the prisoner is admitted
 2 to bail or committed, the court shall bind by recognizance such witnesses against
 3 the prisoner as the court deems material to appear and testify at the next term
 4 of the circuit court of such county, or, in Cook county, at the next term of the
 5 criminal court of Cook county: *Provided*, no such witness shall be required to
 6 give other security than his own recognizance for such appearance. The follow-
 7 ing form of recognizance provided for in this section shall be deemed sufficient
 8 and shall be taken as furnishing suggestions from which other recognizances may
 9 be properly framed:

10 IN THE COUNTY COURT OF DUPAGE COUNTY, ILLINOIS.

11	The People of the	} Examination. No. 20.
12	State of Illinois	
13	v.	
14	Richard Roe.	

15 RECOGNIZANCE.

16 This day personally appeared before the undersigned, judge of the county
 17 court of DuPage county, Illinois, John Doe and acknowledged himself to owe and
 18 to be indebted unto the People of the State of Illinois in the penal sum of one hun-
 19 dred dollars (\$100), to be levied of his goods and chattels, lands and tenements,
 20 respectively, in such manner as the law directs.

21 The condition of this recognizance is such that if the above bounden John
 22 Doe shall personally be and appear before the circuit court of DuPage county,
 23 Illinois, at the county court-house in Wheaton in said DuPage county, on the
 24 fourth day of February, 1908, at the opening of court on that day and from day
 25 to day thereafter, to testify in the case of the People of the State of Illinois
 26 against Richard Roe, charged with the offense of larceny, and not depart the same
 27 without leave, then this recognizance is to be void; otherwise the same is to be
 28 and remain in full force and virtue.

ered upon the reg-

attendant or witness to the

charged by due process of law. If the offense is bailable,

When committed is a witness, the court shall specify in the order the amount of bail required. Upon the entry of such order the clerk of the court in

8 which the same is entered shall prepare a certified copy of the entries in the

9 register and minute book pertaining to the proceeding and shall deliver the same

10 to the sheriff or other person for the execution of the order of the court. The

11 following form of certificate of the clerk in this section provided for shall be

12 deemed sufficient and shall be taken as furnishing suggestions
 13 certificates may be properly framed:

14 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOI

15 The People of the }
 16 State of Illinois }
 17 v. } Examination. No. 50.
 18 Richard Roe. }

19 CERTIFICATE.

20 I, John Smith, clerk of the circuit court of Cook county,
 21 certify that the above and foregoing is a true copy of the ent
 22 and minute book in the above entitled proceeding and that th
 23 to the sheriff of Cook county for the execution of the order th
 24 Witness my hand and the seal of said court at Chicago,
 25 day of February, 1908.

26 JOHN

Sec. 1420. DUTY OF SHERIFF—DELIVERY OF COPY TO DEFENDA
 2 ing the certified copy provided for in the preceding section the
 3 mit the defendant or witness, as the case may be, to the county
 4 with such order, and whenever any prisoner in the custody of
 5 any such order shall by himself or his attorney demand of suc
 6 such order, such sheriff shall deliver the same to the prisoner

Sec. 1421. TAKING, TRANSCRIBING AND CERTIFYING TESTIM
 2 such examination the court shall, when practicable, cause the te
 3 nesses to be taken down in shorthand and, in case, as the res
 4 nation, an information shall be filed in the proper court by th
 5 a transcript and two carbon copies of such testimony shall be
 6 cript to be for the use of the judge who may preside at the tria
 7 thereof to be for the use of the state's attorney and the rema
 8 thereof to be for the use of the defendant.

Sec. 1422. PROCEDURE WHEN OFFENSE NOT PUNISHABLE BY DEATH OR CONFINEMENT IN PENITENTIARY.]

When, upon any such examination, it appears to the court that an offense has been committed and that there is probable cause to believe the prisoner guilty, but that such offense is not one punishable by death or imprisonment in the penitentiary, the court may, in lieu of an order committing the prisoner to the circuit court, or, in Cook county, to the criminal court of Cook county, for trial, make an order directing the filing by the state's attorney of an information against such prisoner for such offense, and it shall thereupon be the duty of the state's attorney to forthwith file such information.

Sec. 1423. PROCEDURE WHEN OFFENSE PUNISHABLE BY DEATH OR CONFINEMENT IN PENITENTIARY.]

When, upon any such examination, it appears that an offense has been committed and that there is probable cause to believe the prisoner guilty and that such offense is one punishable by death or imprisonment in the penitentiary, the court may make an order directing the filing by the State's attorney of an information against such prisoner for such offense, either in the court in which such examination proceeding is had, if the offense be one of which such court has jurisdiction, or in some other court in such county of competent jurisdiction, and it shall thereupon be the duty of the State's attorney to forthwith file such information.

DIVISION LIX.

CRIMINAL ACTIONS IN COURTS OF RECORD.

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LOCAL JURISDICTION.] The local jurisdiction of all offenses, provided for by law, shall be in the county where the offense was

Sec. 1425. OFFENSE ON COUNTY LINE.] Where an offense shall be committed
 2 on a county line, or within one hundred rods of the same, it may be so alleged.
 3 and the trial may be in either county divided by such line; and where any offense
 4 shall be committed against the person of another, and the person committing the

Sec. 1430. OFFENSE COMMITTED WITHOUT BUT CONSUMMATED WITHIN THE STATE.]

2 When the commission of an offense commenced without this state is consum-
3 mated within this state the offender shall be liable to punishment therefor in this
4 state, though he was without the state at the time of the commission of the of-

5 fense charged, if he consummated the offense within this state through the inter-
6 vention of any innocent or guilty agency, or any means proceeding directly or
7 indirectly from himself; and in such case he may be tried and punished in the
8 county where the offense was consummated.

Sec. 1431. OFFENSE COMMITTED ON RAILROAD CAR OR WATER CRAFT.] When any
2 offense is committed in or upon any railroad car passing over any railroad in
3 this state, or any water craft navigating any of the waters within this state, and
4 it cannot be readily determined in what county the offense was committed the of-
5 fense may be charged to have been committed and the offender tried in any of the
6 counties through or along or into which such railroad car or water craft may
7 pass or come or can reasonably be determined to have been on or near the day
8 when the offense was committed.

Sec. 1432. GRAND JURY ABOLISHED.] The grand jury is hereby abolished in all
2 cases and hereafter all criminal actions prosecuted in courts of record shall be
3 prosecuted by information in the manner hereinafter provided.

Sec. 1433. INFORMATION TO BE IN WRITING—HOW FILED AND PROSECUTED.]
2 Every information shall be in writing and, when the offense specified therein is
3 punishable by death or confinement in the penitentiary, it shall, except as is
4 herein otherwise provided, be filed and prosecuted in the name of and shall be
5 signed by the Attorney General, or by the state's attorney of the county in which
6 the offense is alleged to have been committed, and, when the accused shall not
7 have been held or bound over in the manner provided by this act, or such infor-
8 mation is not approved by a board of criminal investigation, or any ten or more
9 of them as hereinafter provided, it shall be verified by the oath of the Attorney
10 General, state's attorney or some other person; and, when the offense specified
11 therein is not punishable by death or confinement in the penitentiary, the infor-
12 mation may be filed and prosecuted by and in the name either of the Attorney

13 General, the state's attorney of the county in which the offense is alleged to have
 14 been committed, or of some other person; but when it is prosecuted by and in the
 15 name of any person other than the Attorney General or the state's attorney, it
 16 shall be verified by the affidavit of such person that the same is true or that the
 17 same is true as he is informed and believes, and it shall only be filed after an
 18 order granting leave therefor shall have been entered by the court having juris-
 19 diction of the offense and in which such information is proposed to be filed, and
 20 such order shall not be entered unless such court is satisfied that there is prob-
 21 able cause for filing the same.

Sec. 1434. WHEN PRELIMINARY EXAMINATION NECESSARY—WAIVER OF EXAMINA-
 2 TION—FUGITIVE FROM JUSTICE—SECOND PRELIMINARY EXAMINATION.] No informa-
 3 tion in a case where the punishment may be death or confinement in the peniten-
 4 tiary shall be filed except where the accused has had a preliminary examination
 5 as provided for in this act and such accused has been held or bound over to a
 6 court of competent jurisdiction to answer the charge, unless such preliminary
 7 examination is waived by the accused or his counsel, or the accused is a fugitive
 8 from justice or not within the jurisdiction of the court having jurisdiction of the
 9 offense alleged or charged against such accused person, or such information
 10 shall have been approved by a board of criminal investigation, or any ten or
 11 more of them, as hereinafter provided. In case any preliminary examination
 12 has been had as herein provided and the person complained of or against has been
 13 discharged for want of sufficient evidence to raise a probability of his guilt and
 14 the state's attorney shall be of the opinion that he can produce sufficient evidence
 15 to convict the person thus discharged, such state's attorney may, notwithstand-
 16 ing such discharge, cause another complaint to be made and thereupon the party
 17 accused may again be arrested and examined touching the offense charged against
 18 him: *Provided, however,* that when any such preliminary examination has been
 19 held in a circuit court, or in the superior court of Cook county, or in the criminal

20 court of Cook county, no subsequent complaint shall be filed by the state's attor-
21 ney, or by any other person, without leave of the court in which such examina-
22 tion has been so held.

Sec. 1435. PROCEDURE AFTER PRELIMINARY EXAMINATION.] When any accused
2 person has had a preliminary examination and has been held or bound over to a
3 court of competent jurisdiction to answer a criminal charge and such accused
4 person has not given or furnished bail and is in custody, the state's attorney
5 shall, within thirty days after such person has been so held or bound over to such
6 court to answer such charge, file in such court, or in some other court of com-
7 petent jurisdiction, an information against such accused person and, if no infor-
8 mation is filed within said period of thirty days, such accused person, being in cus-
9 tody, shall be entitled to his liberty. If the state's attorney shall, upon examina-
10 tion of the facts, be of the opinion that the person thus imprisoned ought not to
11 be further prosecuted and that no information should be filed, he shall forthwith
12 file with the clerk of the court to which such person is held or bound over a state-
13 ment in writing that the person in custody is to be discharged, whereupon it shall
14 be the duty of such court to forthwith enter an order directed to the person hav-
15 ing custody of the accused to set said accused at liberty. If any person accused of
16 any criminal offense has given bail the state's attorney shall, within thirty days
17 from the date of such accused person thus giving bail, file an information against
18 such accused person with the clerk of a court of competent jurisdiction. or, if
19 no such information be filed within that time, the state's attorney shall file a
20 statement in writing that the charge against the accused is dismissed and the court
21 shall thereupon enter an order of dismissal: *Provided, however,* that no dis-
22 charge of any defendant or any dismissal of any proceeding as provided in this
23 section shall operate as a bar to a further prosecution; and *provided, further,*
24 that no state's attorney shall neglect or refuse to file such information in any
25 case in which the court in which the examination proceeding has been held has or-
26 dered the filing of the same in the manner provided by this act.

Sec. 1436. REFUSAL OF STATE'S ATTORNEY TO FILE INFORMATION—POWER OF AT-

2 TORNEY GENERAL.] If, in any action, the state's attorney shall not file an infor-
 3 mation against an accused person who has been held or bound over for trial to a
 4 court of competent jurisdiction as hereinbefore provided within thirty days after
 5 such accused person has been so held or bound over, or shall neglect or refuse to
 6 file an information against an accused person who is a fugitive from justice, the
 7 Attorney General, if, upon examination of the facts in the case, he is of the opin-
 8 ion an information should be filed against such accused person, may, at any time
 9 within thirty days after such neglect, refusal or failure of the state's attorney, file
 10 such information in a court of competent jurisdiction and thereupon such infor-
 11 mation shall be prosecuted in like manner and with the same effect as if the same
 12 had been filed by the state's attorney.

Sec. 1437. NOL PROS OF INFORMATION.] No information shall, upon motion or

2 request of the state's attorney, be nol prossed or dismissed, except with the con-
 3 sent of the court having jurisdiction of the subject-matter, and the court shall,
 4 upon the allowance of such motion or request, order entered in the register and
 5 minute book a minute of the reasons why such information is nol prossed or dis-
 6 missed.

Sec. 1438. INFORMATION NEED NOT RECITE PRELIMINARY EXAMINATION.] It shall

2 be unnecessary in any information, when the offense therein specified is punish-
 3 able by death or confinement in the penitentiary, to recite that the defendant has
 4 had a preliminary examination and been held or bound over, or that such prelim-
 5 inary examination has been waived, or that the defendant is a fugitive from jus-
 6 tice, or not within the jurisdiction of the court having jurisdiction of the offense
 7 alleged or charged against him, or that the information has been approved by a
 8 board of criminal investigation, or any ten or more of them, or any other fact,
 9 the existence of which is made by this act necessary to justify the filing of such
 10 information; but the existence of every such necessary fact shall be presumed

11 until the contrary is made to affirmatively appear upon a motion to quash such
12 information.

Sec. 1439. BOARD OF CRIMINAL INVESTIGATION—SELECTION—POWERS—DUTIES.]

2 There shall be in each county of this state a body to be known as the board of
3 criminal investigation, which shall consist of fifteen members who shall be se-
4 lected from time to time in the manner now provided by law for the selection of
5 grand jurors, and who shall have all the powers and perform all the duties here-
6 tofore possessed and performed by grand jurors, other than the finding and re-
7 turn of presentments or indictments; but no board of criminal investigation
8 shall be selected or convened except as hereinafter provided.

Sec. 1440. BOARD OF CRIMINAL INVESTIGATION—WHEN AND HOW SUMMONED.]

2 When any court having jurisdiction to hear and determine criminal actions in
3 which the punishment may be death or confinement in the penitentiary shall be
4 of the opinion that, because of some great public emergency, or because the
5 public interest requires it, a board of criminal investigation should be convened,
6 or when the state's attorney or attorney general so requests, it shall be the
7 duty of such court to enter an order of record for the convening of such
8 board of criminal investigation and thereupon, within ten days from the
9 entry of such order, such board of criminal investigation shall be selected and
10 summoned in the same manner, as near as may be, as is now provided by law for
11 the selecting and summoning of grand jurors.

Sec. 1441. FAILURE OF MEMBER OF BOARD TO ATTEND—PENALTY.] Every per-

2 son who shall fail to attend, when lawfully summoned to appear as a member of
3 the board of criminal investigation as aforesaid, without having a reasonable ex-
4 cuse, shall be considered as guilty of a criminal contempt of court and shall be
5 fined by the court before which he is summoned to appear in any sum not less
6 than five dollars (\$5), nor more than one hundred dollars (\$100), for the use of

7 the county in which such court is held, unless good cause be shown for such de-
 8 fault; and it shall be the duty of the court to order a writ of attachment return-
 9 able forthwith against all such delinquents and upon the return thereof the court
 10 shall proceed to assess said fine, unless the person or persons so attached shall
 11 show good cause for such delinquency: *Provided, however,* that the oath or affir-
 12 mation of any such delinquent shall at all times be received as competent evi-
 13 dence.

Sec. 1442. COMPENSATION OF MEMBERS OF BOARD.] There shall be allowed
 2 and paid to members of the board of criminal investigation, for their services in
 3 attending court, each the sum of three dollars (\$3) per day of necessary attend-
 4 ance at such court as members of such board of criminal investigation, and also
 5 five (5) cents per mile each way for necessary travel in going to and returning
 6 from the same to be paid out of the county treasury. The clerk of the court shall
 7 furnish to each of such members of the board of criminal investigation aforesaid,
 8 without fee, whenever he shall be discharged from further service by the court,
 9 a certificate of the number of days' attendance upon such court as such member
 10 of the board of criminal investigation, and, upon presentation thereof to the
 11 county treasurer, he shall pay such member of the board of criminal investiga-
 12 tion the sum as above provided for his services.

Sec. 1443. NUMBER NECESSARY TO FILL PANEL OF BOARD AND NUMBER NECESSARY
 2 TO MAKE RECOMMENDATION.] A full panel of the board of criminal investigation
 3 shall consist of fifteen, eleven of whom shall be sufficient to constitute such board
 4 of criminal investigation, and the concurrence of ten of whom shall be necessary
 5 to the recommendation or approval of any criminal prosecution as hereinafter
 6 provided.

Sec. 1444. FOREMAN TO BE APPOINTED.] After the board of criminal investi-
 2 gation is impanelled it shall be the duty of the court to appoint a foreman who
 3 shall have power to swear or affirm witnesses to testify before them.

Sec. 1445. OATH TO MEMBERS OF BOARD.] Before the board of criminal in-

2 vestigation shall enter upon the discharge of their duties the following oath (or
3 affirmation) shall be administered to them, to-wit:

4 You and each of you do solemnly swear (or affirm, as the case may be), that
5 you will faithfully discharge the duties of members of the board of criminal in-
6 vestigation of (here give name of county) county, Illinois, to the best of your
7 skill and understanding: so help you God.

Sec. 1446. PROCEDURE WHEN BOARD BELIEVE THERE SHOULD BE PROSECUTION.]

2 Whenever a board of criminal investigation, or any ten or more of them, shall be
3 satisfied from the evidence produced before them that any person or persons
4 ought to be prosecuted for any criminal offense, they shall so inform the state's
5 attorney of the county in which the said board of criminal investigation is con-
6 vened and it shall thereupon become the duty of such state's attorney to pre-
7 pare an information against such person or persons for such criminal offense,
8 and, upon such information being so prepared, such board of criminal investiga-
9 tion, or any ten or more of them, shall make and sign at the foot thereof or
10 endorse thereon their approval thereof in substantially the following form:

11 We, the undersigned, duly impanelled and sworn as members of the board
12 of criminal investigation of the county of (or the city of
13 in the county of) in the State of Illinois, do hereby this
14 day of 19. upon our oaths approve of the foregoing informa-
15 tion.

Sec. 1447. PROCEDURE WHEN STATE'S ATTORNEY INTERESTED, ETC.] In case

2 the state's attorney shall be interested in, or disqualified or unwilling to prose-
3 cute, any criminal action which may come before the board of criminal investiga-
4 tion, the same may be prosecuted by the Attorney General, or the court may ap-
5 point some attorney at law to act as state's attorney to prepare, sign and prose-
6 cute any information, the prosecution of which is recommended or approved by

7 such board of criminal investigation, and such attorney so appointed shall
 8 thereupon prosecute such information and shall be paid for his services in that
 9 behalf out of the county treasury in such sum as such judge may order and
 10 direct.

Sec. 1448. FORCE AND EFFECT OF INFORMATION APPROVED BY BOARD.] An in-
 2 formation approved by the board of criminal investigation shall be presented
 3 to the court and, if the court so orders, the same shall be filed with the clerk
 4 of the court in which the same is to be prosecuted and shall thereupon have the
 5 same force and effect and shall be prosecuted in the same manner as an infor-
 6 mation filed in a case where the accused has had a preliminary examination, as
 7 provided in this act, and has been held or bound over to the court of competent
 8 jurisdiction to answer the charge therein set forth: *Provided, however, that if,*
 9 *in the opinion of the state's attorney or Attorney General, such information can-*
 10 *not be successfully prosecuted, or for any good and sufficient reason ought not*
 11 *to be prosecuted, the state's attorney or Attorney General, as the case may be,*
 12 *may, with the approval of the court, refuse to prosecute the same, or the court,*
 13 *upon presentation of such information, may, if in its opinion, the same ought*
 14 *not to be filed, refuse leave to file the same.*

Sec. 1449. TESTIMONY TO BE TAKEN DOWN—DEFENDANT TO HAVE RIGHT OF IN-
 2 SPECTION.] Whenever any criminal case is investigated by any board of criminal
 3 investigation the testimony of all witnesses heard by them, when practicable,
 4 shall be taken down in full upon a typewriter or in shorthand, and, in case any
 5 such information shall be filed as the result of such investigation, a transcript
 6 of such testimony shall be delivered to the judge presiding at the trial, one
 7 carbon copy thereof to the state's attorney and the remaining carbon copy thereof
 8 to the attorney of the defendant upon the entry of his appearance as such
 9 attorney. In case it shall be impracticable to take down such testimony in full
 10 upon a typewriter or in shorthand, the substance thereof shall be taken down

11 in longhand and copies thereof shall, as early in advance of the trial as may be
 12 practicable, be delivered to the presiding judge, the state's attorney and the
 13 defendant.

Sec. 1450. REQUISITES OF INFORMATION—FORM.] Every information shall
 2 set forth and state the facts constituting the offense charged, and it shall be
 3 deemed sufficient if such facts are so stated as to enable the court to determine
 4 what is intended to be charged thereby and to that end it shall be liberally con-
 5 strued in favor of the people. It shall not be necessary in any information to
 6 use the words "to-wit" or "then and there," but without the use of the
 7 words "to-wit" allegations as to time or place or amount need not be proven
 8 precisely as alleged, if such allegations, when preceded by the words "to-wit"
 9 would not be required to be proven precisely as alleged, and without the words
 10 "then and there" every act or fact alleged shall be deemed to be alleged as hav-
 11 ing occurred or existed at the time and place alleged in the information as the
 12 time and place of the commission of the offense, unless the contrary shall affirm-
 13 atively appear from the information. Nor shall it be necessary in any informa-
 14 tion that any allegation intended as an allegation of the year of any act or occur-
 15 rence shall be preceded by the words "in the year of our Lord" or the abbrevia-
 16 tion "A. D." or any similar words or abbreviations, but every allegation appar-
 17 ently intended as an allegation as to the year of a transaction or occurrence shall
 18 be presumed to be intended as an allegation that the same was had or occurred in
 19 the year specified of our Lord. The words "contrary to the form of the statute
 20 in such case made and provided" shall hereafter be omitted from every informa-
 21 tion or complaint in a criminal action, and the same shall be as valid and effec-
 22 tual as if those words were contained therein.

Sec. 1451. STRUCTURE OF INFORMATION.] Every information shall contain
 2 first, an introduction, second, a description of the offense, and third, a conclu-
 3 sion, and shall be signed as hereinbefore provided.

Sec. 1452. INTRODUCTION OF INFORMATION—FORMS.] The introduction of an

information shall specify the court in which the same is filed, the names of the parties and the number and classification of the action, and shall recite that the officer, giving his name and his office, or the other person, giving his name, in the name and by the authority of the People of the State of Illinois, gives the court to understand and be informed, and shall be thereafter followed by the description of the offense. The following shall be deemed sufficient forms of introductions to informations and shall be taken as furnishing suggestions from which other forms of introductions may be properly framed:

1. INTRODUCTION OF INFORMATION BY ATTORNEY GENERAL.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the	} Criminal. No. 25.
State of Illinois	
v.	
Richard Roe.	

INFORMATION.

John Russell, Attorney General of the State of Illinois, in the name and by the authority of the People of the State of Illinois, gives the court to understand and be informed that

2. INTRODUCTION OF INFORMATION BY STATE'S ATTORNEY.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the	} Criminal. No. 25.
State of Illinois	
v.	
Richard Roe.	

INFORMATION.

John Brown, state's attorney in and for the county of Cook and State of Illinois, in the name and by the authority of the People of the State of Illinois, gives the court to understand and be informed that

30 3. INTRODUCTION OF INFORMATION FILED BY PERSON OTHER THAN ATTORNEY
31 GENERAL OR STATE'S ATTORNEY.

32 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

33	The People of the	} Criminal. No. 25.
34	State of Illinois	
35	v.	
36	Richard Roe.	

37 INFORMATION.

38 John Doe, in the name and by the authority of the People of the State of
39 Illinois, gives the court to understand and be informed that

 Sec. 1453. DESCRIPTION OF OFFENSE—FORMS.] The description of the offense
2 in an information shall describe the offense committed either in the language of
3 the statute or language substantially equivalent thereto, if the same be an
4 offense created by statute, or in language sufficient to express the facts con-
5 stituting the same, if the same be an offense at common law, or it may describe
6 the same in an abbreviated form as hereinafter provided for; and it shall also
7 name the person charged with the commission thereof and specify the date when,
8 and the county and state in which, the same was committed. The following shall
9 be deemed sufficient forms of descriptions of offenses in informations, when the
10 same are not abbreviated as hereinafter provided for, and shall be taken as
11 furnishing suggestions from which other descriptions of offenses in informations
12 may be properly framed:

13 1. DESCRIPTION OF OFFENSE OF ARSON.

14 Richard Roe on the 10th day of January, 1908, in Cook county, Illinois, did
15 wilfully, maliciously and feloniously burn a dwelling house of one John Doe.

16 2. DESCRIPTION OF OFFENSE OF DUELLING.

17 Richard Roe on the 10th day of January, 1908, in Cook county, Illinois, did
18 wilfully and unlawfully fight a duel with one John Doe with deadly weapons
19 commonly called pistols.

Sec. 1454. CONCLUSION OF INFORMATION.] Every information shall conclude
 2 with the words “against the peace and dignity of the same People of the State
 3 of Illinois.”

Sec. 1455. INFORMATION FOR MURDER OR MANSLAUGHTER—ABBREVIATED FORM.]
 2 Hereafter it shall not be necessary in any information for the crime of murder
 3 or manslaughter to specify the form or means by which the death of the person
 4 murdered was occasioned. The description of the offense in an information for
 5 murder may be set forth in an information in an abbreviated form, which shall
 6 express the crime by the name given thereto by law, the name of the person com-
 7 mitting the crime, the name of the person murdered and the day on which and
 8 the county in which the crime was committed. The following shall be deemed a
 9 sufficient abbreviated form of the description of the offense of murder in an in-
 10 formation and shall be taken as furnishing suggestions from which other
 11 descriptions of such offense in informations may be properly framed:

12 Richard Roe on the 8th day of January, 1908, in the County of Cook and
 13 State of Illinois, did murder John Doe.

14 Such description of the offense in an information shall be taken and con-
 15 strued to mean that the defendant, Richard Roe, on the day and in the county
 16 and state specified, feloniously, wilfully and of his malice or forethought did kill
 17 and murder John Doe.

Sec. 1456. INFORMATION FOR LARCENY—ABBREVIATED FORMS.] The description
 2 of the offense in an information for larceny may be set forth in an abbreviated
 3 form, which shall specify the name of the person committing the crime, the
 4 crime committed, the property stolen, the name of the owner thereof and the
 5 day on which, and the county in which, the crime was committed. The follow-
 6 ing shall be deemed sufficient abbreviated forms of the description of the offense
 7 of larceny and shall be taken as furnishing suggestions from which other de-
 8 scriptions of the offense in informations may be properly framed:

9

FORM No. 1.

10 Richard Roe on the 8th day of February, 1909, in the county of Cook and
 11 State of Illinois, did steal one gold watch of the value of one hundred dollars
 12 (\$100), the personal goods of John Doe.

13

FORM No. 2.

14 Richard Roe on the 8th day of February, 1908, in the county of Cook and
 15 State of Illinois, stole John Doe's gold watch of the value of one hundred dollars
 16 (\$100).

17 Such description of the offense in an information shall be taken and con-
 18 strued to mean that the defendant, Richard Roe, on the day and in the county
 19 and state specified, one gold watch of the value of one hundred dollars (\$100)
 20 of the personal goods of John Doe, then and there being found, then and there
 21 feloniously did steal, take and carry away.

Sec. 1457. INFORMATION FOR BURGLARY—ABBREVIATED FORMS.] The description
 2 of an offense in an information for burglary may be set forth in an abbrevi-
 3 ated form which shall specify the name of the person committing the crime,
 4 the building or other structure entered and the owner thereof, and the day on
 5 which, and the county and state in which, the crime was committed, and shall
 6 allege the burglarious entry of such building or structure by the defendant with
 7 the intent to commit murder, robbery, rape, mayhem or other felony, or larceny.
 8 If the burglarious entry were made in the night-time, and that fact be material,
 9 it shall be so alleged, and if, at the time of committing the offense, the defendant
 10 was found with any deadly weapon, deadly drug, or anæsthetic upon his person
 11 or in his possession and that fact be material, it shall be so alleged. The follow-
 12 ing shall be deemed sufficient abbreviated forms of the description of the offense
 13 of burglary and shall be taken as furnishing suggestions from which other de-
 14 scriptions of the offense in informations may be properly framed:

FORM No. 1.

Richard Roe on the 8th day of January, 1908, in the county of Cook and State of Illinois, did burglariously enter in the night-time the dwelling-house of John Doe with intent to steal John Doe's personal goods.

Such description of the offense in an information shall be taken and construed to mean that the defendant, Richard Roe, on the day and in the county and state specified, the dwelling-house of one John Doe there situate feloniously and burglariously did break and enter in the night-time, with intent the personal goods of said John Doe in said dwelling-house then and there being, feloniously and burglariously to steal, take and carry away.

FORM No. 2.

Richard Roe on the 8th day of January, 1908, in the county of Cook and State of Illinois, did burglariously enter in the night-time the dwelling-house of John Doe with intent to murder said John Doe, he, said Richard Roe, being found with a revolver upon his person.

Such description of the offense in an information shall be taken and construed to mean that the defendant, Richard Roe, on the day and in the county and state specified, the dwelling-house of one John Doe there situate feloniously and burglariously did break and enter in the night-time, with intent said John Doe in said dwelling-house then and there being, of his malice aforethought, burglariously and feloniously to kill and murder, he, the said Richard Roe being then and there found having upon his person a certain deadly weapon commonly called a revolver.

Sec. 1458. DUTY OF ATTORNEY GENERAL TO PREPARE FORMS—APPROVAL OF

JUDGES OF SUPREME COURT—PUBLICATION.] It shall be the duty of the Attorney General, as soon after the taking effect of this act as may be practicable, to prepare, or cause to be prepared, abbreviated forms of informations in all criminal actions in which the descriptions of offenses may be conveniently ab-

6 breviated. Such abbreviated forms shall be modeled after those set forth in
 7 the preceding sections and shall be accompanied by statements of the meaning
 8 and effect thereof, and the same shall be submitted to the judges of the supreme
 9 court for their examination and approval in writing. In case such forms, or
 10 any of them, shall be approved by said judges or by a majority of them, the
 11 Attorney General shall deliver the same with the approval of said judges to
 12 the Secretary of State, who shall publish and distribute the same in printed
 13 form, free of charge, to all the persons and institutions to which the Illinois
 14 Reports New Series are required to be distributed, and from and after their
 15 publication as aforesaid such forms shall be received and accepted in all courts
 16 in this State as good and sufficient forms of descriptions of offenses in informa-
 17 tions.

Sec. 1459. WHEN NAME OF PROSECUTOR TO BE ENDORSED—MALICIOUS PROSECU-
 2 TION.] No information for false imprisonment or wilful and malicious mischief
 3 shall be filed unless a prosecutor is endorsed thereon with his consent, or the
 4 same be filed upon the information of some public officer in the necessary dis-
 5 charge of his duty, in which case there shall be an endorsement thereon showing
 6 how the same is found, and then no prosecutor shall be required; but in a case
 7 where a prosecutor is endorsed on the information and the defendant shall be
 8 acquitted on trial the petit jury acquitting such defendant shall find, in addition
 9 to the verdict of "not guilty," whether the prosecutor had acted maliciously by
 10 instituting the prosecution or not; and whenever the petit jury shall return,
 11 with a verdict of "not guilty," that the prosecutor had acted maliciously in
 12 the premises, the court shall enter judgment for costs against the prosecutor, in-
 13 cluding a fee of ten dollars (\$10) to the Attorney General or State's attorney,
 14 and the same shall be collected by execution as in civil cases: *Provided, how-*
 15 *ever,* that nothing herein contained shall render the prosecutor incompetent to
 16 be a witness before a petit jury.

Sec. 1460. INSTRUMENT DESTROYED.] When an instrument, which is a subject of an information, has been destroyed or withheld, by the act or procurement of the defendant, and the fact of such destruction or withholding is alleged in the information and established on trial, the accused shall not be acquitted on account of any mis-description of the instrument so withheld or destroyed.

Sec. 1461. FIXING AMOUNT OF BAIL.] When an information is filed without leave of court, or leave is given by the court to file the same, the court shall make an order fixing the amount of bail to be required of the accused, and the amount so fixed shall be indorsed upon the information.

Sec. 1462. BAILABLE OFFENSES.] All persons shall be bailable before conviction, except for capital offenses where the proof is evident or the presumption great.

Sec. 1463. HOW AMOUNT OF BAIL DETERMINED.] In a case in which the punishment provided by law is a fine only, the amount of the bail to be required of the defendant shall in no case be more than twenty per cent. in excess of the amount of the maximum fine so provided. In case the punishment is imprisonment in the county jail, a work-house or a house of correction without a fine in addition thereto, the amount of bail to be required of the defendant shall not exceed one hundred dollars (\$100) for each month of the maximum imprisonment so provided. In case the punishment is both imprisonment in the county jail, the work-house or a house of correction and a fine, the amount of such bail shall not exceed one hundred dollars (\$100) for each month or fractional month of such maximum imprisonment, and in addition thereto a sum not more than ten per cent. in excess of the maximum fine therein provided. In case the punishment may be imprisonment in the penitentiary, the amount of such bail shall be such sum as, in the opinion of the court, will insure the appearance of the defendant in accordance with the terms of the recognizance: *Provided, however, that*

16 excessive bail shall not be required and that the same shall in no case exceed
17 twenty-five thousand dollars (\$25,000), and that when several informations
18 against the same defendant are pending in the same court at the same time, the
19 total bail required in all of said informations shall not exceed fifty thousand
20 dollars (\$50,000).

Sec. 1464. DEPOSIT IN LIEU OF BAIL—FORM.] In lieu of giving bail the de-
2 fendant shall, if he so elect, be permitted to deposit with the clerk of the court
3 in which the information is filed a sum in cash as security that he will personally
4 be and appear before the court in which the information is filed from day to
5 day thereafter until the final sentence or order of the court, and abide the order
6 of the court in all things and not depart the same without leave. In case the
7 punishment of the offense is a fine only, the amount of the deposit so to be re-
8 quired of the defendant shall in no case be more than fifty per cent. of the
9 maximum fine provided by law. In case the punishment is imprisonment in
10 the county jail, a work-house or a house of correction without a fine in addition
11 thereto, the amount of such deposit required of the defendant shall not exceed
12 seventy-five dollars (\$75) for each month of the maximum imprisonment pro-
13 vided by law. In case the punishment is both imprisonment in the county jail,
14 a work-house or a house of correction and a fine, the amount of such deposit to
15 be required of the defendant shall not exceed seventy-five dollars (\$75) for each
16 month of such maximum imprisonment and a further sum of not more than
17 fifty per cent. of the amount of the maximum fine. When the punishment may
18 be confinement in the penitentiary, the amount of such deposit shall be a sum
19 equal to eighty per cent. of the amount of the bail fixed by the court. Such
20 cash deposit may be declared forfeited by the court in like manner as a recogni-
21 zance, and when so forfeited the same shall be paid into the county treasury.
22 When such cash deposit is made the clerk shall make and deliver to the defend-
23 ant a certificate thereof, which certificate may be in substantially the following
24 form:

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

26 The People of the
 27 State of Illinois } Criminal. No. 47.
 v.
 28 Richard Roe. }

CERTIFICATE OF DEPOSIT.

30 This is to certify that Richard Roe, the defendant in the above entitled ac-
 31 tion, has this day deposited with the undersigned, as clerk of the criminal court
 32 of Cook county, Illinois, the sum of five hundred dollars (\$500), which deposit
 33 is made as security that said Richard Roe shall personally be and appear
 34 before said criminal court of Cook county, Illinois, at the criminal court building
 35 in Chicago, in said county, on the 17th day of February, 1908, and from day to
 36 day thereafter until the final sentence or judgment of the court in said action,
 37 and abide the order of the court in all things and not depart the same without
 38 leave.

39 Dated Chicago, Illinois, February 12, 1908.

40 HENRY THOMAS, *Clerk.*

Sec. 1465. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, in
 2 any case in which the punishment is not death or imprisonment in the peniten-
 3 tiary, it shall appear that the defendant is the head of a family residing with the
 4 same in the county in which the offense is alleged to have been committed and
 5 that such defendant is a poor person who is not able to give bail, it shall be
 6 the duty of the court to accept of such defendant, in lieu of bail, his own recog-
 7 nizance; or when, in any case in which the punishment is not death or confine-
 8 ment in the penitentiary, the defendant has a known place of residence in the
 9 county in which the offense is alleged to have been committed, and it appears
 10 probable to the court that the defendant, if released upon his own recognizance,
 11 will appear at such time or times as may be required by the court, it shall be
 12 the duty of the court to accept of such defendant, in lieu of bail, his own recog-
 13 nizance. Any defendant who, when released upon his own recognizance as afore-

14 said, shall fail to appear before the court at the time or times required by such
 15 recognizance, shall be deemed guilty of a misdemeanor and, upon conviction
 16 thereof, shall be punished by a fine not exceeding five hundred dollars (\$500),
 17 or by imprisonment in the county jail for not exceeding six months: *Provided,*
 18 *however,* that no defendant shall be punished as aforesaid when his failure to
 19 appear is for a cause which would authorize the court to set aside a forfeiture
 20 of his recognizance. But no defendant shall be released upon his own recog-
 21 nizance under this section when, at the time of his arrest, he shall be in a state
 22 of intoxication, or when his release may, in the judgment of the court or officer,
 23 result in a breach of the peace.

Sec. 1466. WARRANT—FORM.] The clerk of the court in which the informa-
 2 tion is filed shall immediately issue a warrant for the apprehension of the person
 3 therein accused directed to the sheriff of the county where such person then is
 4 or is supposed to be, and, when deemed necessary, warrants may issue to dif-
 5 ferent counties at the same time or any number of warrants may be issued to the
 6 sheriff of the county in which the information is filed. Any warrant so issued
 7 may be executed by the sheriff, coroner or any constable of the county in which
 8 the same is issued or by the bailiff or deputy bailiff of any municipal court in the
 9 county in which the same is issued. Such warrant may be in substantially the
 10 following form:

11 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

12	The People of the	} Criminal. No. 50.
13	State of Illinois	
14	v.	
15	Richard Roe.	

16 WARRANT.

17 The People of the State of Illinois - GREETING to the sheriff of Cook county:

18 We hereby command you that you take the body of Richard Roe, if he shall
 19 be found in your county, and him safely keep so that you may have his body

20 instanter before the criminal court of Cook county, at the criminal court building
 21 in Chicago, in said county, to answer unto the People of the State of Illinois
 22 for and concerning the crime of larceny with which the said Richard Roe
 23 stands charged in our said court as by a certain information preferred against
 24 him and filed in said court in that behalf appears.

25 Recognizance \$1,000.

Witness John Smith, clerk of our said

26 Cash Bail \$800.

criminal court and the seal thereof at
 27 Chicago, Illinois, this 10th day of Feb-
 28 ruary, 1908.

29 JOHN SMITH, *Clerk.*

Sec. 1467. AMOUNT OF BAIL INDORSED ON WARRANT.] When the offense is
 2 bailable the clerk shall indorse on the warrant the amount of the recognizance
 3 or cash bail required by the order of the court and, if the court orders the war-
 4 rant returnable forthwith, the warrant shall require the accused to be arrested
 5 and brought immediately into court.

Sec. 1468. SERVICE AND RETURN OF WARRANT—BAIL.] The sheriff or other
 2 officer shall arrest the person named in the warrant, and, if the offense is bailable
 3 and the writ is not returnable forthwith, let him to bail if sufficient bail is
 4 offered, or, if the offense is not bailable or sufficient bail is not offered, take his
 5 body to the jail of the county where the warrant is returnable and deliver him,
 6 together with the warrant, to the keeper of the jail there to remain until the
 7 time specified in the warrant for his bringing into court, at which time the officer
 8 making the arrest, or some other officer competent to act, shall bring him before
 9 the court: *Provided, however,* that if, after the delivery of the person arrested
 10 to the keeper of the jail, he shall offer sufficient bail, the officer shall accept
 11 the same and the person arrested shall be released from custody. If the warrant
 12 is returnable forthwith, the accused shall be immediately brought into court,
 13 when he shall either be committed, bailed or tried as the court may direct; but if

14 the court shall not be in session when the officer makes the arrest so that the
 15 accused may be let to bail in open court, such officer may let him to bail condi-
 16 tioned for his appearance at the time when the court will be in session, if suf-
 17 ficient bail is offered. The sheriff or other officer taking such bail, when a
 18 recognizance is taken, shall be authorized and required to administer oaths for
 19 the purpose of ascertaining the sufficiency of the bail offered.

Sec. 1469. PASSING THROUGH OTHER COUNTIES.] The officer having the cus-
 2 tody of any prisoner may pass through any counties which lie in his route
 3 between the places of arrest and the county to which he is taking the prisoner
 4 and may lodge the prisoner in any jail on his route for safe custody for one night
 5 or more as occasion may require.

Sec. 1470. COSTS.] The county where the information is found shall pay
 2 to the officer his reasonable charges for his services in bringing an offender from
 3 another county.

Sec. 1471. LETTING TO BAIL—FORM OF RECOGNIZANCE.] The method by which
 2 the officer making the arrest shall let the accused to bail shall be by the accept-
 3 ance from the accused, or from any person for him, of the amount of cash bail
 4 required and the execution in duplicate of a certificate of deposit in substantially
 5 the form provided for in section fourteen hundred sixty-four (1464) of this act,
 6 or by the accused entering into a recognizance, in the form required by law, in
 7 the amount specified in the warrant, with one or more sufficient sureties to be
 8 approved by the officer. When cash bail is accepted by the officer one copy of
 9 the certificate of deposit above provided for shall be delivered to the defendant
 10 and the other copy thereof, together with the cash received as bail and the
 11 warrant, shall be immediately delivered to the clerk of the court in which the
 12 action is pending, who shall execute and deliver to the officer a receipt for the cash
 13 so delivered. When a recognizance is taken the officer shall return the same.

14 together with the warrant, into the court out of which such warrant has been
 15 issued and the same shall be filed by the clerk. Such recognizance may be in
 16 substantially the following form:

17 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

18	The People of the	} Criminal. No. 50.
19	State of Illinois	
20	v.	
21	Richard Roe.	

22 RECOGNIZANCE.

23 This day personally appeared before the undersigned, sheriff of Cook
 24 county, Illinois, Richard Roe, as principal, and Thomas Jones and William
 25 Smith, as sureties, and jointly and severally acknowledged themselves to owe
 26 and to be indebted unto the People of the State of Illinois in the penal sum of
 27 one thousand dollars (\$1,000) to be levied of their goods and chattels, lands and
 28 tenements, respectively, in such manner as the law directs.

29 The condition of this recognizance is such that if the above bounden Richard
 30 Roe shall personally be and appear before the criminal court of Cook county, at
 31 the criminal court building in Chicago, in said county, on the 24th day of Febru-
 32 ary, 1908, and from day to day thereafter until the final sentence or order of said
 33 court in the above entitled criminal action therein pending against him, and abide
 34 the order of said court in all things and not depart the same without leave, then
 35 this recognizance is to be void; otherwise the same is to be and remain in full
 36 force and virtue.

37 Witness our hands and seals at Chicago, Illinois, this 17th day of February,
 38 1908.

39 RICHARD ROE, [SEAL.]

40 THOMAS JONES, [SEAL.]

41 WILLIAM SMITH, [SEAL.]

42 Taken, acknowledged and entered into before me this 17th day of February,
 43 1908.

44 CHARLES BROWN, *Sheriff*.

Sec. 1472. COPY OF INFORMATION—LIST OF JURORS AND WITNESSES.] Every

2 person charged with treason, murder or other felonious crime shall be furnished,
 3 previous to his arraignment, with a copy of the information and a list of the
 4 jurors and witnesses; in all other cases he shall, at his request or the request of
 5 his attorney, be furnished with a copy of the information and a list of the jurors
 6 and witnesses.

Sec. 1473. ATTORNEY ASSIGNED TO DEFEND — COMPENSATION FROM COUNTY—

2 PUNISHMENT FOR RECEIVING OTHER COMPENSATION.] Every person charged with
 3 crime shall be allowed an attorney, and when he shall state upon oath that he is
 4 unable to procure an attorney, the court shall assign him a competent attorney
 5 who shall conduct his defense. In all cases the attorney shall have access to per-
 6 sons confined and shall have the right to see and consult such persons in private.
 7 An attorney assigned to conduct the defense of an accused person, as provided in
 8 this section shall be allowed a just compensation for his services to be fixed by the
 9 court and payable out of the county treasury of the county in which the action is
 10 commenced, upon the certificate of the presiding judge, such compensation, how-
 11 ever, not to exceed the sum of one hundred dollars (\$100) for each day or fraction
 12 thereof, of work performed by such attorney in and about such defense. Before
 13 any attorney shall receive such compensation he shall make and file with the clerk
 14 of the court, as a part of the files of the action, an affidavit that he has not re-
 15 ceived and that he will not receive, either directly or indirectly, any compensa-
 16 tion of any kind or character from the accused person or from any other person
 17 or persons, corporation or corporations, on account of such defense. If any such
 18 attorney shall receive, directly or indirectly, any compensation for his services in
 19 and about any such defense, whether from the accused person or from any other
 20 person or persons, corporation or corporations, it shall be deemed sufficient cause
 21 for striking his name from the roll of attorneys of this state.

Sec. 1474. ARRAIGNMENT--PLEA.] Upon the arraignment of a prisoner it shall
 2 be sufficient, without complying with any other form, for him to declare orally by
 3 himself or his attorney that he is not guilty, which plea shall be immediately en-
 4 tered upon the register and minute book of the court by the clerk and the same
 5 shall constitute the issue between the people of the state and the prisoner. It shall
 6 be unnecessary for the clerk to enter upon the register and minute book that the
 7 defendant appeared or was present at such arraignment, or at any other proceed-
 8 ing had by the court in the action, other than the entry of the judgment of sen-
 9 tence by the court in case of the defendant's conviction, but the presence of the
 10 defendant at each and every proceeding in the action shall be conclusively pre-
 11 sumed, unless the absence of the defendant at any such proceeding shall be recited
 12 in a report of the proceedings settled and signed by the judge in the manner pre-
 13 scribed by this act.

Sec. 1475. PLEA OF GUILTY EXPLAINED--EVIDENCE TO BE HEARD WHEN.] In
 2 cases where the party pleads "guilty," such plea shall not be entered until the
 3 court shall have fully explained to the accused the consequences of entering such
 4 plea; after which, if the party persists in pleading "guilty" such plea shall be
 5 received and recorded and the court shall proceed to render judgment and execu-
 6 tion thereon, as if he had been found guilty by a jury. In all cases where the
 7 court possesses any discretion as to the extent of the punishment, it shall be the
 8 duty of the court to examine witnesses as to the aggravation and mitigation of
 9 the offense. But it shall be unnecessary that the register and minute book, or any
 10 other record book of the court, show the compliance with the provisions of this
 11 section, but such compliance shall be presumed in all cases unless the contrary
 12 shall affirmatively appear from the report of the proceedings settled and signed
 13 by the judge in the manner prescribed by this act.

Sec. 1476. STANDING MUTE.] In all cases where the party on being arraigned
 2 obstinately stands mute or refuses to plead, the court shall order the plea of

3 “not guilty” to be entered in the register and minute book and the trial, judg-
 4 ment and execution shall proceed in the same manner as it would have done if
 5 the party had pleaded “not guilty.”

Sec. 1477. DISQUALIFICATION REMOVED.] No person shall be disqualified as a
 2 witness in any criminal action or proceeding by reason of his interest in the
 3 event of the same as a party or otherwise, or by reason of his having been con-
 4 victed of any crime; but such interest or conviction may be shown for the pur-
 5 pose of affecting his credibility: *Provided, however,* that a defendant in any
 6 criminal action or proceeding shall only at his own request be deemed a compe-
 7 tent witness and his neglect to testify shall not create any presumption against
 8 him, nor shall the court permit any reference or comment to be made to or
 9 upon such neglect.

Sec. 1478. SUBPOENAS.] It shall be the duty of the clerk of the court to issue
 2 subpoenas either on the part of the plaintiff or of the accused. Every witness
 3 who shall be duly subpoenaed and shall neglect or refuse to attend any court pur-
 4 suant to the requisition of such subpoena shall be proceeded against and pun-
 5 ished for contempt of the court. Attachments against witnesses who live in a
 6 different county from that where such subpoena is returnable may be served in
 7 the same manner as warrants may be served out of the county from which they
 8 issue. A subpoena may be served by any person who, by the terms of this act, is
 9 authorized to serve a summons in any action at law. Any officer authorized to
 10 serve a summons shall serve a subpoena in a criminal action when requested to
 11 do so either by the state’s attorney or by the defendant, without requiring pay-
 12 ment therefor of his fees in advance.

Sec. 1479. MODE OF PROCEDURE IN CRIMINAL ACTIONS—TRANSCRIPT OF TESTI-
 2 MONY.] The method of procedure in criminal actions, so far as the same is not
 3 expressly prescribed by this act, shall be such as may be provided for by rules to

4 be adopted by the supreme court, or, in the absence of such rules, such as has
5 heretofore prevailed. So far as may be practicable, the testimony intro-
6 duced upon the trial of every criminal action shall be taken down steno-
7 graphically, and, in any case in which the punishment may be death or impris-
8 onment in the penitentiary, the same shall be written out in full from the steno-
9 graphic notes thereof as promptly as may be conveniently done and the tran-
10 script thereof, from time to time as so written out, shall be delivered to the pre-
11 siding judge, one carbon copy to the state's attorney and one carbon copy to the
12 defendant. In case of the conviction of the defendant the copy delivered to the
13 presiding judge may be used by the defendant for the purpose of preparing a re-
14 port of the proceedings to be settled and signed by the judge. In every criminal
15 action in which testimony is taken down stenographically and transcribed for
16 the use and convenience of the state's attorney, the transcript thereof shall be
17 furnished to the presiding judge, one carbon copy to the state's attorney and
18 one carbon copy to the defendant as promptly as the same is so transcribed. In
19 case of the conviction of the defendant in any case provided for by this section,
20 the fees for taking down the testimony and transcribing the same, as fixed by
21 this act, shall be taxed as costs against him. In any case in which the punishment
22 is not death or confinement in the penitentiary and the testimony is taken down
23 stenographically, the defendant, after the entry of a judgment of conviction, and
24 upon the suing out of a writ of error to reverse such judgment, shall, if the testi-
25 mony shall not have already been transcribed, be entitled to a transcript of the
26 same, together with a carbon copy thereof, without payment in advance, to be
27 used by him in the prosecution of such writ of error, and, in case of the affirm-
28 ance of the judgment, or the dismissal of the writ of error, the fees for taking
29 down the testimony and transcribing the same shall be taxed against him.

Sec. 1480. AFFIDAVIT FOR CONTINUANCE—WHEN DISCRETIONARY WITH COURT TO
2 REFUSE.] When affidavit is made for a continuance or postponement in behalf of

3 the people or any defendant in a criminal action on the ground of the absence of
 4 a material witness, the state's attorney or the defendant, as the case may be,
 5 shall not be required to admit the absolute truth of the matter set up in the af-
 6 fidavit for continuance, but only that such absent witness, if present, would testify
 7 as alleged in the affidavit; and, if it is so admitted, no continuance or postponement
 8 shall be granted, but the case shall go to trial and the party admitting the same
 9 shall be permitted to controvert the statement contained in such affidavit by other
 10 evidence, or to impeach such absent witness, the same as if he had testified in per-
 11 son: *Provided, however,* that the court may, in its discretion, require the op-
 12 posite party to admit the truth absolutely of any such affidavit when, from the
 13 nature of the case, the court may be of opinion that the interests of justice
 14 require it; and *provided further,* that this act shall not apply to an application
 15 for a continuance made within thirty days after the filing of the information.

Sec. 1481. CERTAIN PRIVILEGES ABOLISHED.] The benefit of clergy, appeals of
 2 felony, and trials by battle are forever abolished.

Sec. 1482. TRIAL DE MEDIATATE LINGUA.] In no case shall the right to a trial
 2 by jury de mediatate lingua be allowed in criminal prosecutions.

Sec. 1483. CONSCIENTIOUS SCRUPLES OF JURY AGAINST CAPITAL PUNISHMENT IN
 2 TRIALS FOR MURDER.] It shall be a cause for challenge for any juror who shall,
 3 upon being examined, state that he has conscientious scruples against capital
 4 punishment, or that he is opposed to the same.

Sec. 1484. PROLONGING TRIAL BEYOND TERM OF COURT.] The court in which
 2 a trial for a criminal offense is pending may continue the trial thereof until the
 3 verdict is rendered and judgment entered, notwithstanding the term of court dur-
 4 ing which the trial has commenced shall terminate prior to the rendition of the
 5 verdict.

Sec. 1485. DISCHARGE FOR WANT OF PROSECUTION.] Any person committed for
 2 a criminal or supposed criminal offense and not admitted to bail and not tried at
 3 some term of the court having jurisdiction of the offense commencing within four
 4 months of the date of commitment, or, if there is no term commencing within that
 5 time, then at or before the first term commencing after said four months, shall be
 6 set at liberty by the court, unless the delay shall happen on the application of the
 7 prisoner, or unless the court is satisfied that due exertion has been made to pro-
 8 cure the evidence on the part of the people and that there is reasonable ground to
 9 believe that such evidence may be procured at the next term, in which case the
 10 court may continue the action to the next term. If any such person shall have
 11 been admitted to bail for an alleged offense other than a capital offense, he shall
 12 be entitled, on demand, to be tried at some term commencing within four months
 13 after he has been admitted to bail, if there is a term of court within that time at
 14 which he may be tried; if not, then at the first term after the expiration of the
 15 said four months: *Provided, however,* that if the court shall be satisfied that due
 16 exertions have been made to procure the evidence on behalf of the people and that
 17 there is reasonable ground to believe such evidence may be procured at the next
 18 term or at some term to commence within seventy days thereafter the court may
 19 continue the cause to such term.

Sec. 1486. MANNER AND PLACE OF INFLECTING DEATH PENALTY.] Whenever any
 2 person shall be sentenced to death the manner of inflicting such punishment shall
 3 be by hanging by the neck until dead the person sentenced and such punishment
 4 shall be inflicted within the walls of the prison of the county in which such convic-
 5 tion shall have taken place or within a yard or inclosure adjoining such prison.

Sec. 1487. DUTY OF SHERIFF AT EXECUTION.] It shall be the duty of the sheriff
 2 or some deputy sheriff of the county to be present at such execution, and, by at
 3 least three days' previous notice, to invite the presence of the judges, prosecuting
 4 attorney and clerks of the courts of said county, together with two physicians and

5 twelve reputable citizens to be selected by said sheriff or his deputy, and the said
 6 sheriff or deputy shall, at the request of the defendant, permit such ministers of
 7 the gospel, not exceeding three, as said defendant shall name, and any of the imme-
 8 diate relatives of said defendant to be present at said execution, and also such of-
 9 ficers of the prison, deputies and constables as shall, by said sheriff or deputy, be
 10 deemed expedient to have present; but no other persons than those herein men-
 11 tioned shall be permitted to be present at such execution, nor shall any person,
 12 not a relative of the defendant, under the age of twenty-one years be allowed to
 13 witness the same.

Sec. 1488. CERTIFICATE OF EXECUTION.] The sheriff or his deputy or the
 2 judges attending such execution shall prepare and sign officially a certificate set-
 3 ting forth the time and place thereof and that such defendant was then and there
 4 executed in conformity to the sentence of the court and the provisions of this act;
 5 and shall procure to said certificate the signatures of the other public officers and
 6 persons not relatives of the defendant who witnessed such execution; which cer-
 7 tificate shall be filed with the clerk of the court where conviction of such de-
 8 fendant was had.

Sec. 1489. DISPOSITION OF BODY.] The court may order, on the application
 2 of any respectable surgeon or surgeons, that the body of the defendant shall,
 3 after death, be delivered to such surgeon or surgeons for dissection, unless the
 4 same be objected to by some relative of the convicted.

Sec. 1490. PENALTIES DETERMINED BY JURY—PENITENTIARY.] In all cases
 2 where the punishment shall be confinement in the penitentiary, if the case is tried
 3 by jury, the jury shall render their verdict and the court shall pronounce sen-
 4 tence in such manner and form as may be required by the laws in force from
 5 time to time regulating the rendering of such verdict and the pronouncing of
 6 such judgment in such case, or, in the absence of any such law or laws, the

7 jury shall say in their verdict for what time the offender shall be confined
 8 and the court in pronouncing sentence shall designate what portion of
 9 time the defendant shall be confined to solitary imprisonment and what portion
 10 to hard labor.

Sec. 1491. WHEN FINES FIXED BY JURY.] When a fine is also to be inflicted the
 2 jury shall fix the amount thereof. When either a fine or imprisonment in the peni-
 3 tentiary may be inflicted, the jury shall determine which and the time of confine-
 4 ment or the amount of the fine.

Sec. 1492. FORMS OF VERDICT.] When the information contains a single count,
 2 or when there are several counts which are not intended to charge separate and
 3 distinct offenses but are intended as charges, in different forms, of the same of-
 4 fense, and the jury are not authorized to fix the punishment, it shall be sufficient
 5 for the jury in their verdict, if they find the defendant guilty, to say "We, the
 6 jury, find the defendant guilty," and such verdict shall be construed to mean that
 7 jury find the defendant guilty in manner and form as charged in the information.
 8 The jury may also, in any such case, pronounce their verdict by their foreman
 9 orally in open court and if, when inquired of in open court as to their verdict,
 10 their foreman shall reply "guilty," such reply shall be construed to mean that the
 11 jury find the defendant guilty in manner and form as charged in the informa-
 12 tion. When the information contains several counts which are intended to
 13 charge separate and distinct offenses, and the jury are not authorized to fix the
 14 punishment, it shall be sufficient for the jury in their verdict, if they find the de-
 15 fendant guilty as charged in each and every count of the information, to say
 16 "We, the jury, find the defendant guilty," or for their foreman to announce
 17 orally as above provided a verdict of guilty; and if the jury find the defendant
 18 guilty as to one or more counts of the information and not guilty as to the re-
 19 maining counts thereof, it shall be sufficient for the jury in their verdict to say
 20 "We, the jury, find the defendant guilty as to the (here insert the number or num-

21 bers of the count or counts as to which the jury find the defendant guilty) count
 22 (or counts, as the case may be,) and not guilty as to the remaining counts." If
 23 the jury find the defendant not guilty as to all the counts of an information it shall
 24 be sufficient for them in their verdict to say "We, the jury, find the defendant not
 25 guilty," or for their foreman to announce orally, as above provided, a verdict of
 26 not guilty. In a case in which the jury find the defendant guilty and are author-
 27 ized or required to fix the punishment, they shall add to their finding, if the same
 28 be in writing, that the defendant is guilty the words "and we fix the punishment
 29 at (here insert punishment as fixed)," or if the verdict be oral their foreman
 30 shall announce the punishment as fixed by the jury. Any form of verdict shall be
 31 deemed sufficient if the court is able to understand therefrom, or to ascertain by
 32 inquiry of the jury at the time of the rendition of the verdict, what verdict they
 33 intend to render.

Sec. 1493. PENALTIES TO BE FIXED BY THE COURT.] When the punishment may
 2 be either by imprisonment in the penitentiary or by confinement in the county jail
 3 with or without fine, if the jury will not inflict the punishment of imprisonment in
 4 the penitentiary they shall find the accused guilty and the court shall fix the time
 5 of confinement in the jail or fine or both, as the case may require. When the ac-
 6 cused pleads guilty, and in all other cases not otherwise provided for, the court
 7 shall fix the time of confinement or the amount of the fine or both, as the case
 8 may be.

Sec. 1494. SENTENCE TO WORK-HOUSE.] Any person convicted, in a court of
 2 this state having jurisdiction of any crime or misdemeanor, the punishment of
 3 which is confinement in the county jail, may be sentenced by the court in which
 4 such conviction is had, to labor for the benefit of the county during the term of
 5 such imprisonment in the work-house, house of correction or other place pro-
 6 vided for that purpose by the county authorities, or by the authorities of any city
 7 in such county. But nothing herein contained shall be construed to prevent the
 8 imprisonment of any convict in the reform school at Pontiac as provided by law

Sec. 1495. PUNISHMENT OF OFFENDERS UNDER EIGHTEEN.] Persons under the
2 age of eighteen years shall not be punished by imprisonment in the penitentiary
3 for any offense except murder, manslaughter, rape, robbery, burglary or arson.
4 In all other cases where a penitentiary punishment is or shall be provided, such
5 person under the age of eighteen years and over the age of sixteen years shall be
6 punished by confinement in the county jail for a term not exceeding eighteen
7 months at the discretion of the court.

Sec. 1496. CONVICTS UNDER CONTROL OF COUNTY BOARD.] Nothing contained in
2 this act shall prevent the county board taking such control of convicts committed
3 to the county jail and their transfer to work-houses, houses of correction or other
4 places of employment as is provided by law: *Provided, however,* that no such
5 transfer shall be made of any convict without the order of the court in which he
6 is convicted and in all cases a report of such transfer shall be made to the court
7 as soon as may be after the transfer and entered of record.

Sec. 1497. JUDGMENT FOR COSTS.] When any person is convicted of an of
2 fense under any statute or at common law, the court shall give judgment that the
3 offender must pay the costs of the prosecution, unless such costs shall be remit-
4 ted, in whole or in part, as provided by this act.

Sec. 1498. COMMITMENT TO ENFORCE PAYMENT OF COSTS AND FINES.] When a
2 fine is inflicted the court may order, as a part of the judgment, that the offender
3 be committed to jail there to remain until the fine and costs are fully paid or he is
4 discharged according to law, or that he be committed to any work-house or house
5 of correction or other place provided for that purpose by the county authorities
6 or by the authorities of any city of such county, until the fine and costs are fully
7 paid or worked out, or he is discharged according to law. When a defendant is
8 committed to any work-house or house of correction or other place provided for
9 that purpose as aforesaid, until the fine and costs are fully paid or worked out or
10 he is discharged according to law, he shall, for every day's labor in such work-

11 house or house of correction or other place in accordance with the rules thereof,
12 be entitled to a credit of one dollar and fifty cents (\$1.50).

Sec. 1499. JUDGMENT A LIEN ON PROPERTY, REAL AND PERSONAL.] The prop-
2 erty, real or personal, of every person who shall be convicted of any offense shall
3 be bound and a lien is hereby created on the property, both real and personal, of
4 every such offender, not exempt from execution or attachment, from the time of
5 filing the information at least so far as will be sufficient to pay the fine and costs of
6 prosecution. The clerk of the court in which the conviction is had shall, at the
7 end of thirty days from such conviction, issue an execution for the fine, if the
8 same remains unpaid, and all costs of conviction remaining unpaid, in which
9 execution shall be stated the date of the filing of the information. The execution
10 may be directed to the proper officer of any county in this state. The officer to
11 whom such execution is delivered shall levy the same upon all the estate, real and
12 personal, of the defendant (not exempt from execution) possessed by him on the
13 day of the arrest or filing of the information, and any such property subsequently
14 acquired; and the property so levied upon shall be advertised and sold in the same
15 manner as in civil cases with like rights to all parties who may be interested
16 therein. It shall be no objection to the selling of any property under such exe-
17 cution that the body of the defendant is in custody for the fine or costs or both.

Sec. 1500. ACKNOWLEDGMENT OF JUDGMENT.] If the person convicted, to-
2 gether with one or more sufficient sureties, will acknowledge a judgment in favor
3 of the people of the state of Illinois for the amount of the fine and costs, or the
4 costs only, when no fine is imposed, the court shall cause the same to be entered
5 in full satisfaction of the fine and costs, or costs only, with a direction that, if the
6 judgment is not paid within five months from the time of entering the same, exe-
7 cution shall be issued thereon; and the defendant shall, upon the entering of such
8 judgment, be discharged from imprisonment on account of such fine or costs, but
9 he shall not thereby be discharged from any imprisonment which is made a part

10 of his punishment not dependent upon the payment of the fine or costs. Such
 11 judgment shall be a lien upon all of the real estate of the person acknowledging
 12 the same from the date of its entry. If the judgment so entered is not paid within
 13 five months from the entry it may be enforced by execution in the same manner
 14 as other judgments at law.

Sec. 1501. DISCHARGE OF PAUPER.] Whenever it shall be made satisfactorily
 2 to appear to the court, after all legal means have been exhausted, that any person
 3 who is confined in jail for any fine or costs of prosecution for any criminal of-
 4 fense, hath no estate with which to pay such fine and costs, or costs only, it shall
 5 be the duty of the said court to discharge such person from further imprison-
 6 ment for such fine and costs, or costs only, which discharge shall operate as a com-
 7 plete release of such fine and costs: *Provided, however,* that nothing herein shall
 8 authorize any person to be discharged from imprisonment before the expiration
 9 of the time for which he may be sentenced to be imprisoned as part of his punish-
 10 ment.

Sec. 1502. CONVEYING CONVICT TO PENITENTIARY.] When a convict shall be
 2 sentenced to imprisonment in the penitentiary, the clerk of the court shall, within
 3 the time hereinafter prescribed in this act, deliver a certified copy of the judg-
 4 ment to the sheriff or other proper officer of the county, who shall, without delay,
 5 convey the convict to the penitentiary of the state and deliver him to the warden
 6 thereof.

Sec. 1503. POWERS OF SHERIFF WHILE CONVEYING CONVICT, ETC.] The sheriff
 2 while conveying any convict to the penitentiary shall have the same power to re-
 3 quire the aid of any citizen of this state in securing such convict or the taking
 4 him, if he shall escape, as he would have in his own county, and any person who
 5 shall refuse or neglect to assist such sheriff, when so required, shall be liable to

6 the same penalty as in any other case of neglect or refusal to join a posse comitatus when lawfully required.

Sec. 1504. RETURNING PRISONER FOR TRIAL.] In case of the reversal of any judgment upon which any person has been committed to the penitentiary and the granting of a new trial by the supreme court, it shall be the duty of the warden of the penitentiary, upon receiving a certified copy of such judgment from the supreme court, to deliver the person so committed to the custody of the sheriff of the county where such new trial is to be had, and of such sheriff to take and convey such person to the jail of his county, and for such services the sheriff shall be allowed and paid like fees as in the case of commitments to the penitentiary.

Sec. 1505. PUBLICATION DURING PENDENCY OF CRIMINAL PROCEEDING PROHIBITED—CONTEMPT OF COURT—PUNISHMENT.] Hereafter it shall be unlawful for any person or persons, corporation or corporations, during the pendency of any criminal action or proceeding in any court of this state, to print and publish, or cause to be printed and published, any matters in any manner pertaining to such criminal action or proceeding, or to the offense therein being prosecuted, other than a correct report, either verbatim or condensed, of the proceedings in court or before the magistrate pertaining to such action or proceeding, which report shall not contain, by way of comment, headlines, pictures or otherwise, any expression of opinion as to the guilt or innocence of the person or persons charged with the criminal offense, or of the weight or credibility of the evidence, or any portion thereof, produced either for or against such accused person, or any comments, intimations or suggestions, favorable or unfavorable to such accused person, or any comments, whether favorable or unfavorable, upon the conduct of the presiding judge or magistrate of the court in which such action or proceeding is pending, or of any attorney at law in any manner connected with such action or proceeding, or of any officer of the court in which such action or proceeding is pend-

ing, as to any matter pertaining to or connected with such action or proceeding. If any person or corporation shall violate the provisions, or any of them, of this section, such person or corporation shall be deemed guilty of a criminal contempt of court and shall be punished in the manner provided by this act for the punishment of a criminal contempt.

Sec. 1506. WHEN AND BEFORE WHAT COURT PROCEEDINGS DEEMED PENDING.] For the purposes of the preceding section a criminal action or proceeding shall be deemed pending from the time of the filing of the complaint therein in the proper court, or before the proper magistrate, if any such complaint be filed; or, if no such complaint be filed, then from the time of the filing of the information therein; and the pendency of any criminal action or proceeding shall continue until the final determination of the same, either by a judgment of acquittal or discharge, or a judgment of conviction and sentence in the court of original jurisdiction in which the same is instituted, or to which the same may be removed for trial and disposition, or, if the same be instituted before a justice of the peace, until the final determination thereof by a judgment of acquittal or discharge by such justice of the peace, or by a judgment of conviction and sentence from which no appeal is prosecuted by the defendant. In case of an examination proceeding in which the defendant is held or bound over for trial in a court other than that in which such proceeding is brought, the criminal action shall be deemed pending in the court in which such trial is to be had from the time of the entry of the order so holding or binding over such defendant.

Sec. 1507. JURISDICTION OF SUCH ACTION OF CONTEMPT.] When the contempt of court provided for in the next but one preceding section is committed in respect to an action or proceeding pending in a court of record of original jurisdiction, the action of contempt for the punishment of the same shall be cognizable by the court in which such action or proceeding is pending at the time of the commission of the contempt. When such contempt is committed with respect to an

7 action or proceeding pending before a justice of the peace, the same shall be cog-
8 nizable only by a court of record of original jurisdiction in the county where the
9 contempt has been committed and the same shall be prosecuted by information
10 by the state's attorney of such county or by the Attorney General.

Sec. 1508. ASSISTANTS TO STATE'S ATTORNEYS.] Whenever the business of
2 any county of this state is such that the state's attorney of such county cannot,
3 without assistance, attend properly and promptly to all the business in said
4 county which it is made by law his duty to attend to, he may appoint such num-
5 ber of assistants as may be determined by the judges, or a majority of them,
6 of the circuit court of the circuit in which such county is situated, or in Cook
7 county, by the judges, or a majority of them, of the circuit and superior courts
8 of such county, by an order or orders signed by the judges and entered upon
9 the records of the circuit court of such county. Said assistants shall receive
10 for their services such salaries as may be fixed by said judges and the same
11 shall be payable, in quarterly installments, out of the county treasury of such
12 county. Every assistant so appointed shall, at the time of his appointment be
13 a duly licensed attorney of this state, and he shall have full authority, by vir-
14 tue of his appointment, to perform each and all of the duties and exercise each
15 and all of the powers of the state's attorney of such county, to the same extent
16 as if he were the duly elected state's attorney of such county.

DIVISION LX.

QUASI CRIMINAL ACTIONS BROUGHT IN COURTS OF RECORD TO RECOVER FINES AND PENALTIES
FOR VIOLATIONS OF MUNICIPAL ORDINANCES.

SECTION

1509. Quasi criminal actions for fines, etc.—
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1510. Warrant—form.
1511. Fixing amount of recognizance.
1512. Execution of quasi criminal warrant.
1513. Procedure when warrant returnable
forthwith—trial — recognizance —
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SECTION

1515. Forfeiture of recognizance or cash de-
posit.
1516. Return of cash deposit.
1517. When defendant released on his own
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1518. Failure of defendant to appear when
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1519. Forms of verdict.
1520. Fines and penalties to be fixed by
court.
1521. Modes of procedure in other respects.

Sec. 1509. QUASI CRIMINAL ACTIONS FOR FINES, ETC.—HOW COMMENCED—FORMS.]

2 A quasi criminal action to recover a fine or penalty for the violation of an ordi-
3 nance of a municipal corporation may be commenced in a court of record as
4 follows:

5 *First*—BY PRAECIPE AND STATEMENT OF CLAIM.] Whenever the plaintiff shall
6 so elect, such action may be commenced by the filing by the plaintiff with the
7 clerk of the court of a praecipe for a summons and a statement of the plaintiff's
8 claim, as hereinbefore provided with respect to an action at law for the recovery
9 of money only.

10 *Second*—BY COMPLAINT THAT OFFENSE HAS BEEN COMMITTED—FORM.] When
11 the facts constituting the offense complained of also constitute, in whole or in
12 part, a violation of the criminal code, the action may be commenced by the filing
13 by the plaintiff, with the clerk of the court, of a complaint verified by the affi-
14 davit of some person, setting forth that the offense has been committed and that
15 the person making the affidavit has just and reasonable grounds to believe that
16 the defendant committed the offense. Such complaint may be in substantially
17 the following form:

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

19 City of Chicago
 20 v.
 21 Richard Roe. } Quasi Criminal. No. 50.

COMPLAINT.

22
 23 John Doe on his oath says that he is a resident of Chicago, Cook county,
 24 Illinois, and that Richard Roe, late of said city of Chicago, on the 18th day of
 25 February, 1908, at said city of Chicago, did make, aid, countenance and assist
 26 in making a disturbance tending to a breach of the peace, in violation of Section
 27 18 of the Revised Municipal Code of the city of Chicago of 1905.

JOHN DOE.

28
 29 Subscribed and sworn to before me this 18th day of February, 1908.

GEORGE SMITH, *Clerk*.

30
 31 *Third*—BY COMPLAINT AND CHARGE THAT PARTY MAY ESCAPE—FORM.] When
 32 the facts constituting the offense complained of do not constitute, in whole or in
 33 part, a violation of the criminal code, the action may be commenced by the filing
 34 by the plaintiff with the clerk of the court of a complaint verified by the affi-
 35 davit of some person, setting forth that an ordinance has been violated and that
 36 the person making the affidavit has reasonable ground to believe that the party
 37 charged is guilty thereof and will escape unless arrested, and stating the facts
 38 upon which such belief is founded. Such complaint may be in substantially the
 39 following form:

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

41 City of Chicago
 42 v.
 43 Richard Roe. } Quasi Criminal. No. 75.

COMPLAINT.

44
 45 John Doe on his oath says that he is a resident of Chicago, Cook county,
 46 Illinois, and that Richard Roe, late of said city of Chicago, on the 18th day of
 47 February, 1908, at said city of Chicago, did carry on the business of a peddler
 48 without a license, in violation of Section 58 of the Revised Municipal Code of

49 the City of Chicago of 1905; that affiant has reasonable grounds to believe that
50 the said Richard Roe will escape unless arrested; that said Richard Roe is not
51 a resident of the city of Chicago, but is only temporarily in said city and is
52 about to depart the same.

53 JOHN DOE.

54 Subscribed and sworn to before me this 18th day of February, 1908.

55 GEORGE SMITH, *Clerk*.

56 *Fourth*—BY ARREST ON VIEW AND COMPLAINT—FORM.] Any police officer of
57 a municipal corporation may arrest on view any person who may be seen by
58 such police officer in the act of violating, within the limits of such municipal
59 corporation, any ordinance thereof, or any ordinance of any other municipal cor-
60 poration situated, in whole or in part, within the limits thereof, whenever such
61 violation is by such ordinance made punishable by fine. Any person so arrested
62 shall, without unnecessary delay, be taken by such officer before some court of
63 record, or before some justice of the peace of the county in which such municipal
64 corporation is situated, and such police officer shall thereupon make and file a
65 complaint in writing under oath against such defendant of the violation by such
66 defendant of such ordinance, and such defendant shall thereupon be dealt with
67 according to law in the same manner as if he had been arrested in the first in-
68 stance under a warrant lawfully issued. The complaint in this clause provided
69 for, when made before a court of record, shall be in substantially the following
70 form:

71 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

72 City of Chicago	} Quasi Criminal. No. 100.
73 v.	
74 Richard Roe.	

75 COMPLAINT.

76 John Doe on his oath says that he is a police officer of the city of Chicago,
77 Cook county, Illinois, and resident therein and that Richard Roe, late of said
78 city of Chicago, on the 18th day of February, 1908, at said city of Chicago, did

79 carry on the business of a peddler without a license, in violation of Section 58
 80 of the Revised Municipal Code of the City of Chicago of 1905, and that affiant
 81 saw said Richard Roe on said day in the act of violating said ordinance as afore-
 82 said, and did then and there arrest said Richard Roe and bring him before the
 83 court.

84 JOHN DOE.

85 Subscribed and sworn to before me this 18th day of February, 1908.

86 GEORGE SMITH, Clerk.

Sec. 1510. WARRANT — FORM.] Upon the filing with the clerk of a court of
 2 record in a quasi criminal action of a complaint verified by affidavit, as provided
 3 in the preceding section, the clerk shall bring the same to the attention of the
 4 court, and thereupon the court, if satisfied that the defendant ought to be ar-
 5 rested, may order the issuance of a warrant for the arrest of the defendant,
 6 returnable either forthwith or at a fixed time, which warrant shall thereupon be
 7 issued by the clerk and, when returnable forthwith, may be in substantially the
 8 following form:

9 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

10 City of Chicago 11 v. 12 Richard Roe.	}	Quasi Criminal. No. 100.
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13 WARRANT.

14 The People of the State of Illinois—GREETING to the sheriff of Cook county:

15 We hereby command you that you take Richard Roe, if he be found in your
 16 county, and him safely keep so that you may have his body instanter before the
 17 criminal court of Cook county, at the criminal court building in Chicago, in said
 18 county, to answer unto the city of Chicago for and concerning a violation of Sec-
 19 tion 58 of the Revised Municipal Code of Chicago of 1905, with which the said
 20 Richard Roe stands charged in our said court, as by a certain complaint under
 21 oath preferred against him and filed in said court in that behalf appears.

Witness George Smith, clerk of our said criminal court and the seal thereof at Chicago, Illinois, this 18th day of February, 1908.

GEORGE SMITH, *Clerk*.

Recognizance \$100.

Cash bail \$50.

NOTE.

When the warrant is returnable at a fixed time the above form may be varied from by inserting, in lieu of the word "instanter," a specification of the day and hour when the defendant is to be brought before the court.

Sec. 1511. **FIXING AMOUNT OF RECOGNIZANCE.]** At the time of ordering the issuance of a warrant the court shall fix the amount of the recognizance to be required of the defendant and also the amount of the cash deposit to be required of the defendant in case he shall elect to make such cash deposit in lieu of entering into a recognizance, and the amounts so fixed shall be indorsed by the clerk upon the warrant. The amount of the recognizance to be required in any such action shall be not less than fifty dollars (\$50) nor more than five hundred dollars (\$500), and the same shall be either fifty dollars (\$50) or some multiple thereof. The amount of cash deposit to be required of the defendant in lieu of bail shall be the maximum fine or penalty sought to be recovered and five dollars (\$5) in addition thereto, but the same shall in no case exceed one hundred dollars (\$100).

Sec. 1512. **EXECUTION OF QUASI CRIMINAL WARRANT.]** A warrant issued as hereinbefore provided shall be served by delivering to the defendant a copy thereof, together with a copy of the plaintiff's complaint and of the affidavit verifying the same, and bringing the defendant before the court out of which the warrant has issued or taking bail of the defendant as hereinafter provided.

Sec. 1513. **PROCEDURE WHEN WARRANT RETURNABLE FORTHWITH—TRIAL—RECOGNIZANCE—CASH BAIL—FORMS.]** Upon the arrest of the defendant in a quasi crim-

3 inal action brought by a municipal corporation to recover a fine or penalty for a
 4 violation of a municipal ordinance, the officer making the arrest shall, if the war-
 5 rant be returnable forthwith, bring the defendant immediately before the court
 6 and the court shall proceed immediately with the trial of the action in the manner
 7 provided in this act for the trial of other quasi criminal actions, unless, for good
 8 cause shown, the trial shall be postponed. In case the trial be postponed the de-
 9 fendant shall be allowed to enter into a recognizance for his appearance before
 10 the court from day to day until the final determination of the action, or to make
 11 a cash deposit with the clerk of the court in lieu of such recognizance. In case the
 12 defendant shall make a cash deposit the clerk shall execute and deliver to him a
 13 certificate thereof, a duplicate of which shall be executed by the clerk and filed
 14 with the papers in the action and a minute thereof shall be entered by the clerk in
 15 the register and minute book. The following forms of recognizance and certifi-
 16 cate of deposit provided for in this section shall be deemed sufficient and shall be
 17 taken as furnishing suggestions from which other recognizances and certificates
 18 of deposits may be properly framed:

19 1. RECOGNIZANCE TAKEN IN QUASI CRIMINAL ACTION.

20 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

21 City of Chicago }
 22 v. } Quasi Criminal. No. 50.
 23 Richard Roe. }

24 RECOGNIZANCE.

25 This day personally appeared before the undersigned, a judge of the circuit
 26 court of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones, as
 27 surety, and jointly and severally acknowledged themselves to owe and to be in-
 28 debted unto the city of Chicago in the penal sum of two hundred dollars (\$200),
 29 to be levied of their goods and chattels, lands and tenements, respectively, in
 30 such manner as the law directs.

31 The condition of this recognizance is such that if the above bounden Rich-
 32 ard Roe shall personally be and appear before the criminal court of Cook county,

40

RICHARD ROE, [SEAL.]

42 Taken, acknowledged and entered into before me this 25th day of February,
43 1908.

45 2. CERTIFICATE OF CASH DEPOSIT IN QUASI CRIMINAL ACTION.

47 City of Chicago }
48 v. } Quasi Criminal. No. 50.
49 Richard Roe. }

51 This is to certify that Richard Roe, the defendant in the above entitled ac-
52 tion, has this day deposited with the undersigned, clerk of the criminal court of
53 Cook county, Illinois, the sum of fifty dollars (\$50), which deposit is made as
54 security that said Richard Roe shall personally be and appear before the criminal
55 court of Cook county at the criminal court building in Chicago, in said county,
56 from day to day hereafter until the final sentence or judgment of the court in the
57 above entitled action, and will abide the order of the court in all things and will
58 not depart the same without leave.

60

GEORGE THOMAS, *Clerk.*

Sec. 1514. PROCEDURE WHEN WARRANT RETURNABLE AT FIXED DAY—TRIAL—RE-

2 COGNIZANCE—CASH BAIL —FORMS.] Upon the arrest of the defendant in a quasi
 3 criminal action brought by a municipal corporation to recover a fine or penalty
 4 for a violation of a municipal ordinance, the officer making the arrest shall, if the
 5 warrant be not returnable forthwith, permit the defendant to enter into a recog-
 6 nizance for his appearance before the court at the time fixed in the warrant there-
 7 for, and from day to day thereafter, or to make a cash deposit in lieu of such
 8 recognizance. In case the defendant shall make a cash deposit the officer shall
 9 execute and deliver to him a certificate thereof, a duplicate of which shall be exe-
 10 cuted by the officer and delivered to the clerk of the court, together with the war-
 11 rant and the amount deposited by the defendant, and the clerk shall enter upon
 12 the register and minute book a minute thereof. The following forms of recog-
 13 nizance and certificate of deposit shall be deemed sufficient and shall be taken as
 14 furnishing suggestions from which other recognizances and certificates of de-
 15 posits may be properly framed:

16 1. RECOGNIZANCE TAKEN BY OFFICER.

17 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

18 City of Chicago
 19 v. Warrant. No. 50.
 20 Richard Roe.

21 RECOGNIZANCE.

22 This day personally appeared before the undersigned, sheriff of Cook coun-
 23 ty, Illinois, Richard Roe, as principal, and Thomas Jones, as surety, and jointly
 24 and severally acknowledged themselves to owe and to be indebted unto the city
 25 of Chicago in the penal sum of two hundred dollars (\$200), to be levied of their
 26 goods and chattels, lands and tenements, respectively, in such manner as the law
 27 directs.

28 The condition of this recognizance is such that if the above bounden Richard
 29 Roe shall personally be and appear before the criminal court of Cook county, Illi-
 30 nois, at the criminal court building in Chicago, in said county, on the 24th day of
 31 February, 1908, and from day to day thereafter until the final sentence or judg-

ment of the court in the above entitled action, and shall abide the order of the court in all things and not depart the same without leave, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Chicago, Illinois, this 17th day of February, 1908.

RICHARD ROE, [SEAL.]

THOMAS JONES, [SEAL.]

Taken, acknowledged and entered into before me this 17th day of February, 1908.

SAMUEL BROWN, *Sheriff*.

2. CERTIFICATE OF OFFICER OF CASH DEPOSIT.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

City of Chicago }
v. } Quasi Criminal. No. 50.
Richard Roe. }

CERTIFICATE OF DEPOSIT.

This is to certify that Richard Roe, the defendant in the above entitled action, has deposited with the undersigned, sheriff of Cook county, Illinois, the sum of fifty dollars (\$50), which deposit is made as security that said Richard Roe shall personally be and appear before the criminal court of Cook county, at the criminal court building in Chicago, in said county, on the 24th day of February, 1908, and from day to day thereafter until the final sentence or judgment of the court in the above entitled action, and shall abide the order of the court in all things and not depart the same without leave.

Dated Chicago, Illinois, February 17, 1908.

SAMUEL BROWN, *Sheriff*.

Sec. 1515. FORFEITURE OF RECOGNIZANCE OR CASH DEPOSIT.] Whenever any defendant, after entering into a recognizance or making a cash deposit, as aforesaid, shall fail to appear before the court as specified in the recognizance or certificate of deposit, or shall otherwise fail to comply with the conditions thereof, such re-

5 cognizance, if a recognizance shall have been entered into, may be enforced as in
 6 other cases, or, if a cash deposit shall have been made, the same may be declared
 7 forfeited and the same may be applied by the court, so far as the same may be
 8 necessary, or so far as the same may extend, to the satisfaction of whatever judg-
 9 ment may be entered by the court in the action in which such deposit has been
 10 made, and the balance, if any, shall be returned to the defendant. And the court
 11 in such case, when the defendant fails to appear, may enter judgment against
 12 him and in favor of the plaintiff for such sum as the court may find from the evi-
 13 dence the plaintiff ought to recover by way of fine or penalty for the violation by
 14 the defendant of the ordinance of the plaintiff, and such judgment, to the extent
 15 that the same is not satisfied by the deposit aforesaid, may be enforced by the
 16 commitment of the defendant to the county jail, work-house or house of correction
 17 as in other cases.

Sec. 1516. RETURN OF CASH DEPOSIT.] When any defendant shall make a cash
 2 deposit in lieu of bail, as hereinbefore provided, and shall appear before the
 3 court in accordance with the terms of such deposit and shall abide by all the
 4 terms thereof, the amount thereof shall be returned to the defendant by the clerk
 5 of the court at the time of the entry of final judgment.

Sec. 1517. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, upon
 2 the arrest of the defendant in any quasi criminal action brought by a municipal
 3 corporation to recover a fine or penalty for a violation of a municipal ordinance,
 4 it shall be made to appear that the defendant is the head of a family, residing
 5 with the same in the city, village or incorporated town, in which the violation of
 6 the ordinance is alleged to have taken place, and that such defendant is a poor
 7 person who is not able to enter into a recognizance with security, it shall be the
 8 duty of the court, or of the officer, as the case may be, to accept of such defend-
 9 ant, in lieu of bail, his own recognizance conditioned, as near as may be, as the
 10 recognizance hereinbefore provided for; or when it is made to appear that the de-

11 defendant has a known and fixed place of residence in the city, village or incorpor-
 12 ated town, in which the violation of the ordinance is alleged to have taken place
 13 and it appears probable to the court or to the officer making the arrest, as the
 14 case may be, that the defendant, if released upon his own recognizance, will ap-
 15 pear at such time or times as may be required by the court, it shall be the duty of
 16 the court or officer, as the case may be, to accept of such defendant, in lieu of bail,
 17 his own recognizance, conditioned, as near as may be, as the recognizance here-
 18 inbefore provided for. Any defendant who, when released upon his own recog-
 19 nizance, as aforesaid, shall fail to appear before the court at the time or times re-
 20 quired by such recognizance, shall be deemed guilty of a misdemeanor, and upon
 21 conviction thereof shall be punished by a fine not exceeding one hundred dol-
 22 lars (\$100) or by imprisonment in the county jail for not exceeding two (2)
 23 months: *Provided, however,* that no defendant shall be punished as aforesaid
 24 when his failure to appear is for a cause which would authorize the court to set
 25 aside a forfeiture of his recognizance. But no defendant shall be released upon
 26 his own recognizance under this section when, at the time of his arrest, he shall
 27 be in a state of intoxication or when his release may, in the judgment of the court
 28 or officer, result in a breach of the peace.

Sec. 1518. FAILURE OF DEFENDANT TO APPEAR WHEN SUMMONED.] In case the
 2 defendant, when served with a summons in any action brought by a municipal
 3 corporation to recover a fine or penalty for the violation of an ordinance of a
 4 municipal corporation, shall fail to enter his appearance within the time required
 5 by this act, a default may be entered against him as in other cases and judgment
 6 thereon may be entered by the court against the defendant for such fine or pen-
 7 alty as the court may deem reasonable, and such judgment may be enforced in the
 8 same manner as if the defendant had appeared and the action had been tried by
 9 jury.

Sec. 1519. FORMS OF VERDICT.] When, in any such action tried by jury, only
 2 one violation of an ordinance is charged, the verdict of the jury, if in favor of
 3 the plaintiff, may be "We, the jury, find the defendant guilty," or, if it be in favor
 4 of the defendant it may be "We, the jury, find the defendant not guilty." When,
 5 in any such action, several violations of the same ordinance or of different ordi-
 6 nances are charged, the verdict of the jury, if in favor of the plaintiff as to all
 7 the violations charged, may be "We, the jury, find the defendant guilty as to all
 8 the plaintiff's claims," or, if it be in favor of the defendant as to all such vio-
 9 lations, it may be "We, the jury, find the defendant not guilty." If the verdict
 10 of the jury be in favor of the plaintiff as to a portion of the violations charged
 11 and in favor of the defendant as to the remaining violations charged it may be
 12 "We, the jury, find the defendant guilty as to the (here insert the number or num-
 13 bers of the plaintiff's claims as to which the jury find the defendant guilty) claim
 14 (or claims, as the case may be), and not guilty as to the remaining claims."

Sec. 1520. FINES AND PENALTIES TO BE FIXED BY COURT.] In all actions brought
 2 to recover fines or penalties for the violation of municipal ordinances, when the
 3 defendant pleads guilty or otherwise admits the violation of the ordinance, or,
 4 upon the trial, either by jury or by the court without a jury, is found guilty of
 5 such violation, the amount of the fine or penalty shall be fixed by the court.

Sec. 1521. METHOD OF PROCEDURE IN OTHER RESPECTS.] The methods of proce-
 2 dure in such actions in all particulars not expressly provided for by this act
 3 shall be the same, as near as may be, as those herein provided for other actions
 4 at law for the recovery of money.

DIVISION LXI.

JURISDICTION OF JUSTICES OF THE PEACE AND CLASSIFICATION OF ACTIONS.

SECTION

1522. Jurisdiction of subject matter.

1523. Territorial jurisdiction.

SECTION

1524. Police magistrates.

1525. Classification of actions.

Sec. 1522. JURISDICTION OF SUBJECT MATTER.] Justices of the peace shall

2 have jurisdiction in the following cases:

3 *First*—FOR RECOVERY OF MONEY.] Every civil action at law, whether on a
 4 contract or for a tort, for the recovery of money only, an action of attachment of
 5 water craft excepted, when the amount claimed by the plaintiff does not exceed
 6 two hundred dollars (\$200), the amount in any action on a penal bond to be de-
 7 termined by the amount actually sought to be recovered as damages for the
 8 breach or breaches thereof and not by the penalty of the bond.

9 *Second*—REPLEVIN.] Every action of replevin, when the value of the prop-
 10 erty sought to be recovered does not exceed two hundred dollars (\$200).

11 *Third*—TRIAL OF RIGHT OF PROPERTY.] Every action for the trial of the right
 12 of property, when the value of the property sought to be recovered does not ex-
 13 ceed two hundred dollars (\$200).

14 *Fourth*—FORCIBLE DETAINER.] Every action of forcible detainer.

15 *Fifth*—QUASI CRIMINAL.] Every quasi criminal action when the fine or pen-
 16 alty sought to be recovered does not exceed two hundred dollars (\$200).

17 *Sixth*—CRIMINAL.] Every criminal action in which the punishment is by fine
 18 only and does not exceed two hundred dollars (\$200).

19 *Seventh*—PEACE PROCEEDINGS.] All proceedings for the prevention of the
 20 commission of crimes.

21 *Eighth*—EXAMINATION PROCEEDINGS.] All proceedings for the arrest, examina-
 22 tion, commitment and bail of persons charged with criminal offenses.

23 *Ninth*—SEARCH WARRANT PROCEEDINGS.] All proceedings pertaining to
 24 searches and seizures of personal property by means of search warrants.

Sec. 1523. TERRITORIAL JURISDICTION.] The territorial jurisdiction of jus-
 2 tices of the peace in all counties other than Cook shall be coextensive with the
 3 territories of their respective counties and in Cook county it shall, until other-
 4 wise provided by law, be coextensive with the territory of said county outside of
 5 the city of Chicago.

Sec. 1524. POLICE MAGISTRATES.] The jurisdiction and powers of police
 2 magistrates shall be in all respects the same as those conferred by law upon jus-
 3 tices of the peace, and all the provisions of this act with respect to justices of the
 4 peace shall be applicable to police magistrates.

Sec. 1525. CLASSIFICATION OF ACTIONS.] For convenience in keeping the rec-
 2 ords of justices of the peace the actions and proceedings within their jurisdiction
 3 shall be classified as follows:

4 *First*—FOR MONEY.] Actions for money, which shall include all civil and
 5 quasi criminal actions at law for the recovery of money only, other than attach-
 6 ment actions, distress for rent actions, and quasi criminal actions commenced by
 7 warrant, which classification shall be expressed upon the record by the words
 8 “ACTION FOR MONEY.”

9 *Second*—ATTACHMENT.] Attachment actions, which shall include all actions
 10 of attachment, which classification shall be expressed upon the record by the word
 11 “ATTACHMENT.”

12 *Third*—DISTRESS FOR RENT.] Distress for rent actions, which shall include all
 13 actions of distress for rent, which classification shall be expressed upon the record
 14 by the words “DISTRESS FOR RENT.”

15 *Fourth*—REPLEVIN.] Replevin actions, which shall include all actions of replevin,
 16 which classification shall be expressed upon the record by the word “REPLEVIN.”

17 *Fifth*—TRIAL OF RIGHT OF PROPERTY.] Trial of the right of property actions,
 18 which shall include all actions for the trial of the right of property, which classifica-
 19 tions shall be expressed upon the record by the words “TRIAL OF RIGHT OF PROPERTY.”

20 *Sixth*—FORCIBLE DETAINER.] Forcible detainer actions, which shall include all
 21 actions of forcible detainer, which classification shall be expressed upon the rec-
 22 ord by the words “FORCIBLE DETAINER.”

23 *Seventh*—WARRANT.] Warrant actions, which shall include all quasi crim-
 24 inal actions commenced by warrant, which classification shall be expressed upon
 25 the record by the word “WARRANT.”

26 *Eighth*—PEACE PROCEEDINGS.] Peace proceedings, which shall include all pro-
 27 ceedings for the prevention of the commission of crimes, which classification shall
 28 be expressed upon the record by the words “PEACE PROCEEDING.”

29 *Ninth*—EXAMINATION PROCEEDINGS.] Examination proceedings, which shall
 30 include all proceedings for the arrest, examination, commitment and bail of per-
 31 sons charged with criminal offenses, which classification shall be expressed upon
 32 the record by the word “EXAMINATION.”

33 *Tenth*—SEARCH WARRANT PROCEEDINGS.] Search warrant proceedings, which
 34 shall include all proceedings pertaining to searches and seizures of personal prop-
 35 erty by means of search warrants, which classification shall be expressed upon
 36 the record by the words “SEARCH WARRANT.”

37 *Eleventh*—CRIMINAL.] Criminal actions, which shall include all actions for
 38 the punishment of crime, which classification shall be expressed upon the record
 39 by the word “CRIMINAL.”

DIVISION LXII.

PRACTICE BEFORE JUSTICES OF THE PEACE IN CIVIL AND QUASI CRIMINAL ACTIONS.

SECTION

- 1526. Bond for costs by non-resident—form—failure to file bond—security not waived.
- 1527. When execution issued against surety.
- 1528. How civil and quasi criminal actions commenced—praecipe—statement of claim.
- 1529. Requisites of praecipe.
- 1530. Statement to be mere memorandum—forms prescribed for courts of record to be applicable.
- 1531. Praecipe and statement to be on same sheet, etc.—forms.
- 1532. Summons—form.
- 1533. When and how attachment commenced—praecipe—affidavit—bond—how defendants designated—forms.
- 1534. Writ of attachment—form.
- 1535. Distress for rent—how commenced—form of praecipe, distress warrant and inventory.
- 1536. Summons—form.
- 1537. When replevin will lie before a justice of the peace.
- 1538. Replevin—how commenced—praecipe—affidavit—bond—form.
- 1539. Writ of replevin—form.
- 1540. Quasi criminal actions for fines, etc.—how commenced—forms.
- 1541. Manner of serving summons or writ.
- 1542. Who may serve summons or writ—return—affidavit of service—fees.
- 1543. Execution of attachment writ—pursuit of property.
- 1544. Execution of writ of replevin.
- 1545. Execution of quasi criminal warrant.
- 1546. Forms of officer's returns and affidavits of service.
- 1547. Change of venue.
- 1548. Trial by consent.
- 1549. Non-appearance of plaintiff—dismissal when.

SECTION

- 1550. Non-appearance of defendant—default—affidavit of claim.
- 1551. Jury trial to be demanded when and how—summons for jurors—form.
- 1552. Examination of jurors—qualifications—not to be instructed.
- 1553. Challenges of jurors.
- 1554. Trial and judgment.
- 1555. Judgment—when defendants not jointly liable.
- 1556. Added defendant—summons—form.
- 1557. Amendments.
- 1558. Dismissal as to one or more defendants.
- 1559. Judgment to be entire in actions on contracts—separate claims against different defendants not allowed.
- 1560. When only part of defendants served—new summons—form.
- 1561. Procedure as to defendant subsequently served.
- 1562. Claims acquired subsequent to commencement of action.
- 1563. Justice may require set-off to be in writing.
- 1564. Tender by defendant.
- 1565. Procedure in case of sickness of justice.
- 1566. Action for wages—attorney's fees.
- 1567. Continuances.
- 1568. When action not discontinued.
- 1569. Subpœnas—form.
- 1570. Service of subpœna.
- 1571. Inserting names in subpœna.
- 1572. Witness fees.
- 1573. Denial of execution or endorsement.
- 1574. Evidence as to joint plaintiffs, etc.
- 1575. Proof of joint liability not necessary in first instance when.
- 1576. When corporate existence of corporation need not be proven.

PRACTICE BEFORE JUSTICES OF THE PEACE IN CIVIL AND QUASI CRIMINAL ACTIONS — CON-
CLUDED.

SECTION

- 1577. Depositions.
- 1578. Justice not to collect claim by action of attachment.
- 1579. Hearing and determination of action of attachment.
- 1580. Continuance for service or notice—posting notice—form.
- 1581. Continuance for want of notice.
- 1582. Hearing after notice—judgment—sale of property.
- 1583. Exceptions to bond.
- 1584. Warrant action—arrest of defendant when warrant returnable forthwith—trial — recognizance — cash bail — forms.
- 1585. Warrant action—arrest of defendant when warrant returnable at fixed date—trial—recognizance—cash bail —forms.
- 1586. Forfeiture of recognizance or cash deposit.
- 1587. Return of cash deposit.
- 1588. When defendant released on his own recognizance.
- 1589. Procedure in replevin when property has not been found by officer.
- 1590. Kinds of judgments in replevin.
- 1591. Damages in replevin.
- 1592. How damages in replevin assessed.
- 1593. Action on replevin bond.
- 1594. Procedure in action on replevin bond when merits not determined.
- 1595. Notice in replevin to non-resident, etc.
- 1596. Trial of right of property—when to be brought—requisites of judgment.
- 1597. Notice to non-resident in action of distress for rent.
- 1598. Proceedings in distress for rent.
- 1599. Release of property distrained—bond.
- 1600. Perishable property levied upon by distress warrant.
- 1601. Forcible detainer—when maintainable—procedure.

SECTION

- 1602. Judgment in forcible detainer.
- 1603. Several tenants.
- 1604. Dismissal as to part—judgment as to part.
- 1605. Writ of restitution in forcible detainer.
- 1606. Execution for plaintiff on judgment for money—forms.
- 1607. Execution in quasi criminal action brought for violation of municipal ordinance.
- 1608. Execution for defendant in replevin—form.
- 1609. Execution in trial of right of property—form.
- 1610. Execution for possession in forcible detainer—form.
- 1611. Execution for possession and rent in forcible detainer—form.
- 1612. Enforcement of judgment for money against municipal corporation.
- 1613. Enforcement of judgment for money against executor, etc.
- 1614. Execution on judgment for defendant.
- 1615. Lien of execution and judgment.
- 1616. Endorsement—levy—sale—notice.
- 1617. Delivery bond—proceedings thereon—form.
- 1618. When execution returnable.
- 1619. Paying money.
- 1620. Execution to another county.
- 1621. When execution may issue.
- 1622. Duty of officers.
- 1623. Execution to issue within seven years.
- 1624. Action on judgment.
- 1625. Statute not to run pending appeal.
- 1626. Transcript—certificate to circuit court.
- 1627. Supplementary proceeding.
- 1628. What transcript to contain—force of certificate.

Sec. 1526. BOND FOR COSTS BY NON-RESIDENT — FORM — FAILURE TO FILE

2 BOND—SECURITY NOT WAIVED.] No person who is not a resident of this state shall
3 commence an action before a justice of the peace until such non-resident shall file
4 with the justice before whom such action may be brought, a bond with
5 sufficient security for the payment of all costs which may be awarded against the
6 plaintiff should he fail in his action, which bond may be in substantially the fol-
7 lowing form:

8 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

9	John Doe	} Action for Money. No. 25.
10	v.	
11	Richard Roe.	

12 SECURITY FOR COSTS.

13 I, William Doe, do enter myself security for all costs that may accrue in the
14 above entitled action.

15 Dated this 10th day of February, 1908.

16 WILLIAM DOE.

17 If any such action shall be commenced without filing such bond for costs the
18 justice, on motion, shall dismiss the same, unless said bond for costs shall be filed
19 within such time as shall be fixed by the justice, and, when so filed, it shall relate
20 back to the commencement of the action. The right to require security for costs
21 shall not be waived by any proceeding in such action.

Sec. 1527. WHEN EXECUTION TO ISSUE AGAINST SURETY.] Such bond shall be
2 signed by the surety and, if the plaintiff shall fail in his action, discontinue or
3 make default, and shall not, within twenty days thereafter, pay to the justice all
4 the costs that may be occasioned to the defendant, to the justice of the peace, or
5 constable, jurors or witnesses, or perfect an appeal in such manner as to operate
6 as a stay of proceedings, the justice shall issue his execution against the surety for
7 the amount thereof with a bill of costs in which he shall set down every particu-
8 lar charge. No bond for costs shall be required of any resident of this state.

Sec. 1528. HOW CIVIL AND QUASI CRIMINAL ACTIONS COMMENCED—PRAECIPE—

2 STATEMENT OF CLAIM.] Every civil action at law for the recovery of money only,
 3 excepting an action of attachment or an action of distress for rent, and every
 4 quasi criminal action not commenced by warrant as hereinafter provided, every
 5 action for the trial of the right of property and every action of forcible detainer,
 6 shall be commenced by the filing by the plaintiff, with the justice of the peace, of a
 7 præcipe for a summons and a statement of the plaintiff's claim.

Sec. 1529. REQUISITES OF PRAECIPE.] Such præcipe, and every other præcipe

2 hereinafter provided for, shall specify the justice of the peace before whom the
 3 action is commenced, the names of the parties thereto, the classification and num-
 4 ber of the action, and the date on which the summons, or writ, is to require the de-
 5 fendant to appear, which day shall be some week day, other than a holiday, not
 6 less than five (5) nor more than fifteen (15) days from the filing of the præcipe,
 7 and the hour of such day at which the defendant is required to appear, which
 8 hour shall be some hour not earlier than nine o'clock A. M., and not later than four
 9 o'clock P. M. of such day. Such præcipe shall be signed by the plaintiff, his agent
 10 or attorney.

Sec. 1530. STATEMENT TO BE MERE MEMORANDUM—FORMS PRESCRIBED FOR

2 COURTS OF RECORD TO BE APPLICABLE.] Such statement of the plaintiff's claim
 3 shall not be a complete statement of all the elements which constitute a cause of
 4 action, but shall be a mere memorandum specifying the amount claimed by the
 5 plaintiff, if the action be an action for money, or the property and the value
 6 thereof claimed, if the action be for the recovery of personal property, a de-
 7 scription of the property claimed, if the action is an action of forcible detainer,
 8 and the nature of the cause of action and giving such information as to place,
 9 time and other particulars, as to enable the defendant to ascertain the transaction
 10 or transactions respecting which the action is brought. The forms of statements
 11 of claims hereinbefore prescribed for actions in courts of record shall be deemed
 12 applicable and sufficient in similar actions before justices of the peace.

Sec. 1531. PRAECIPE AND STATEMENT TO BE ON SAME SHEET, ETC.—FORMS.]

When practicable, the statement of the plaintiff's claim shall be written upon the same sheet of paper as the præcipe and, when that is impracticable, they shall be fastened together and filed as one paper. The following forms of præcipes and statements of claims shall be deemed to sufficiently comply with the provisions of this act and shall be taken as furnishing suggestions from which other similar papers may be properly framed:

1. PRAECIPE AND STATEMENT OF CLAIM IN ACTION FOR MONEY.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

Joe Doe	}	Action for Money. No. 25.
v.		
Richard Roe and		
William Roe.		

PRAECIPE.

To said justice of the peace:

Please issue a summons requiring the appearance of the defendants at nine o'clock A. M., February 24, 1908.

JOHN DOE.

STATEMENT OF CLAIM.

Plaintiff's claim is for labor and services furnished by plaintiff to defendant as follows, to wit: ten days' work husking corn, commencing November 1, 1908, and ending November 11, 1908, at \$2.50 per day, total \$25.

(If the action be upon a negotiable instrument the statement of claim may be in the following form:)

STATEMENT OF CLAIM.

Plaintiff's claim is for one hundred seven dollars (\$107), being the amount due him as endorsee against the defendants as makers of a promissory note of which, and the endorsements thereon, the following is a copy:

Chicago, Illinois, January 2, 1907.

Ninety days after date, for value received, we promise to pay to the order

31 of John Smith, at the Commercial National Bank of Chicago, the sum of \$100
 32 with interest thereon at the rate of six per cent. per annum.

33 RICHARD ROE.

34 WILLIAM ROE.

35 Endorsed, JOHN SMITH.

36 (If the action be for a violation of a municipal ordinance the statement of
 37 claim may be in the following form:)

38 STATEMENT OF CLAIM.

39 Plaintiff's claim is for a penalty for a violation on or about January 2, 1907,
 40 by defendant of the ordinance of the City of Joliet, prohibiting the carrying on
 41 of the business of a pawnbroker without a license. Amount claimed \$50.

42 (If the action be for a tort consisting of negligence resulting in injuries to
 43 personal property, the statement of claim may be in the following form:)

44 STATEMENT OF CLAIM.

45 Plaintiff's claim is for injuries to his horse and wagon occurring on or about
 46 January 1, 1907, in Main Street, at or near its intersection with Peoria Street,
 47 Joliet, Illinois, by a collision with defendant's trolley car caused by defendant's
 48 negligence. Amount claimed \$200.

49 (If the action be brought to recover money lost by gambling, the claim may
 50 be in the following form:)

51 STATEMENT OF CLAIM.

52 Plaintiff's claim is for money lost by plaintiff to the defendant in gambling
 53 with cards on or about January 1, 1908. Amount claimed \$200.

54 2. PRAECIPE AND STATEMENT OF CLAIM IN ACTION FOR THE TRIAL OF THE RIGHT
55 OF PROPERTY.

56 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WIL^Y. COUNTY, ILLINOIS.

57	John Doe	} Trial of Right of Property. No. 50.
58	v.	
59	Richard Roe	
60	and	
61	William Roe.	

62 PRAECIPE.

63 To said justice of the peace:

64 Please issue a summons requiring the appearance of the defendants at nine
65 o'clock, A. M., February 4, 1908.

66 JOHN DOE.

67 STATEMENT OF CLAIM.

68 Plaintiff's claim is for the possession of one bay horse with white star in
69 forehead and one single wagon valued at two hundred dollars (\$200), seized
70 by defendant William Roe, as sheriff of Will county, Illinois, under an execu-
71 tion issued by Henry Brown, Esq., Justice of the Peace, upon a judgment for
72 one hundred dollars (\$100) and costs in favor of Richard Roe and against John
73 Thomas, entered by said justice January 7, 1908.

74 3. PRAECIPE AND STATEMENT OF CLAIM IN ACTION OF FORCIBLE DETAINER.

75 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

76	John Doe	} Forcible Detainer. No. 27.
77	v.	
78	Richard Roe.	

79 PRAECIPE.

80 To said justice of the peace:

81 Please issue a summons requiring the appearance of the defendant at nine
82 o'clock, A. M., February 24, 1908.

83 JOHN DOE.

STATEMENT OF CLAIM

84

85

86

Plaintiff's claim is for possession of the premises known as Lot One (1) in Block Five (5) in the City of Joliet, Illinois, wrongfully withheld by defendant.

Sec. 1532. SUMMONS—FORM.] Upon the filing of such præcipe and state-

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6

ment of claim the justice of the peace shall issue and deliver to the plaintiff a summons to the defendant, commanding him to appear in person or by attorney at the office of such justice of the peace, on the day and at the time specified in the præcipe, to answer to the action brought against him by the plaintiff. Such summons, in an action for money, may be in substantially the following form:

7

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

8

9

10

John Doe	}	Action for Money. No. 25.
v.		
Richard Roe.		

11

SUMMONS.

12

The People of the State of Illinois—GREETING to Richard Roe:

13

14

15

16

You are hereby commanded to appear in person or by attorney before me at my office at No. 17 Main Street, in Joliet, Will county, Illinois, at nine o'clock A. M., on February 24, 1908, to answer to the above entitled action at law for the recovery of money brought against you before me by John Doe.

17

Witness my hand and seal at Joliet, Illinois, this 18th day of February, 1908.

18

HENRY BROWN, J. P. [SEAL.]

19

20

21

When the action is an action for the trial of the right of property the words in the above form "action at law for the recovery of money" may be changed to "action for the trial of the right of property."

22

23

24

When the action is an action of forcible detainer the words in the above form "action at law for the recovery of money" may be changed to "action of forcible detainer."

Sec. 1533. WHEN AND HOW ATTACHMENT ACTION COMMENCED — PRAECIPE --

2 AFFIDAVIT—BOND—HOW DEFENDANTS DESIGNATED—FORMS.] An action of attach-
 3 ment may be commenced before a justice of the peace in any case in which a
 4 similar action is authorized by law to be commenced in a court of record
 5 excepting when the amount of the indebtedness exceeds \$200. Every such
 6 action shall be commenced by the filing by the plaintiff with the justice of the
 7 peace before whom the action is commenced, of a praecipe, in the form herein-
 8 before prescribed, for a writ of attachment, and an affidavit of the plaintiff, his
 9 agent or attorney setting forth the nature and amount of the indebtedness of the
 10 defendant to the plaintiff after allowing all just credits, and set-offs, and one or
 11 more of the causes which, in law, entitle the plaintiff to an attachment and also
 12 stating the place of residence of the defendant, if known, and if not known, that
 13 upon diligent inquiry the party making the affidavit has not been able to ascer-
 14 tain the same and also by filing with such justice of the peace a bond with suf-
 15 ficient security to be approved by such justice of the peace, payable to the
 16 People of the State of Illinois, in double the sum sworn to be due, conditioned
 17 that he will prosecute his action with effect and satisfy all costs which may be
 18 awarded to the defendant or to any other person interested in said proceedings,
 19 and all damages and costs which shall be recovered against the plaintiff for
 20 wrongfully suing out such attachment, or which may be incurred by the sheriff,
 21 constable or other officer in the execution thereof. It shall be sufficient in all
 22 cases of attachment to designate defendants by their reputed names by
 23 surnames and joint defendants by their separate or partnership names,
 24 or by the name, style or title by which they are usually known. The fol-
 25 lowing forms of praecipe, affidavit and bond shall be deemed sufficient and shall
 26 be taken as furnishing suggestions from which other similar papers may be prop-
 27 erly framed:

1. PRAECIPE AND AFFIDAVIT IN ATTACHMENT.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 50.
v.		
Richard Roe and William Roe.		

PRAECIPE.

To said justice of the peace:

Please issue a writ of attachment requiring the appearance of the defendants at nine o'clock A. M., February 24, 1908.

JOHN DOE.

AFFIDAVIT FOR ATTACHMENT.

John Doe on his oath says that he is the plaintiff in the above entitled action and that the defendants are indebted to him in the sum of two hundred dollars (\$200), on a promissory note for two hundred dollars (\$200), dated February 1, 1908, made by the defendants at Joliet, Illinois, and payable to the order of John Smith, on demand after date, at the First National Bank of Joliet, Illinois, for value received, without interest, which said promissory note was duly endorsed to the plaintiff for value before maturity, after allowing to the defendants all their just credits, deductions and set-offs; that the defendants are not residents of this State, and that their respective places of residence are unknown to this affiant and upon diligent inquiry he has not been able to ascertain the same or either of them.

JOHN DOE.

Subscribed and sworn to before me this 18th day of February, 1908.

HENRY BROWN, J. P.

(When the indebtedness differs from that in the foregoing form the amount and nature thereof should be inserted in lieu of the words in form between "in the sum of" and the words "after allowing to the defendants." When the cause of attachment is other than the non-residence of the defendants, there should be substituted for the words "the defendants are not residents of this state" the words "the defendants conceal themselves so that process cannot be served upon

58 them" or "the defendants stand in defiance of an officer so that process cannot
 59 be served upon them" or "the defendants have departed from this state with the
 60 intention of having their effects removed from this state" or whatever other
 61 cause of attachment there may be, or several causes of attachment may be speci-
 62 fied in the same affidavit. When the residence of any defendant is known it shall
 63 be stated in the affidavit.)

64 2. BOND FOR ATTACHMENT AGAINST ONE DEFENDANT.

65 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

66 John Doe	} Attachment. No. 50.
67 v.	
67 Richard Roe, et al.	

68 ATTACHMENT BOND.

69 KNOW ALL MEN BY THESE PRESENTS, That we, John Doe, as principal, and
 70 William Doe, as surety, are held and firmly bound unto the People of the State
 71 of Illinois in the penal sum of four hundred dollars (\$400), for the payment of
 72 which well and truly to be made we bind ourselves, our heirs, executors, adminis-
 73 trators and assigns jointly and severally, firmly by these presents.

74 Witness our hands and seals this 18th day of February, 1908.

75 The condition of this obligation is such that whereas the above bounden
 76 John Doe has, on the day of the date hereof, prayed an attachment from Henry
 77 Brown, Esq., Justice of the Peace of Will county, Illinois, at the suit of him, the
 78 said John Doe, against the estate of one Richard Roe, for the sum of two
 79 hundred dollars (\$200) and the same is about to be issued by said justice of the
 80 peace returnable at nine o'clock, A. M., on February 24, 1908:

81 Now, if the said John Doe shall prosecute his action with effect and shall
 82 satisfy all costs which may be awarded to the defendants in said action, or to any
 83 other person interested in said proceedings, and all damages and costs which
 84 shall be recovered against the plaintiff for wrongfully suing out such attach-
 85 ment, or which may be incurred by the sheriff, constable or other officer in the

86 execution thereof, then the above obligation is to be void; otherwise the same is
87 to be and remain in full force and effect.

88 JOHN DOE [SEAL.]

89 WILLIAM DOE [SEAL.]

90 Approved February 18, 1908.

91 HENRY BROWN, J. P.

Sec. 1534. WRIT OF ATTACHMENT—FORM.] Upon the filing, in an action of at-
2 tachment, of the præcipe for a writ of attachment and affidavit of the plaintiff,
3 his agent or attorney, and the bond hereinbefore prescribed, the justice of the
4 peace before whom the action is commenced shall issue and deliver to the plain-
5 tiff a writ of attachment directed to the sheriff and to all constables in the county
6 in which the action is commenced or, in case the sheriff is interested or otherwise
7 disqualified or prevented from acting, to the coroner and all constables of such
8 county, which writ shall be in substantially the following form:

9 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

10 John Doe	} Attachment. No. 50.
11 v.	
12 Richard Roe, et al.	

13 WRIT OF ATTACHMENT.

14 The People of the State of Illinois—GREETING to the sheriff and all constables of
15 Will county:

16 We hereby command you that you attach so much of the personal estate of
17 Richard Roe to be found in your county as shall be of value sufficient to satisfy
18 a claim of two hundred dollars (\$200) and costs, being prosecuted against him
19 before me, a justice of the peace of said Will county, by John Doe, and such
20 estate so attached in your hands to secure and so to provide that the same may
21 be liable to further proceedings thereupon according to law; and that you sum-
22 mon the said Richard Roe to appear before me at my office at No. 17 Main
23 Street, in Joliet, Will county, Illinois, at nine o'clock, A. M., on February 24,

26 Witness my hand and seal at Joliet, Illinois, this 18th day of February,
27 1908.

28 HENRY BROWN, J. P. [SEAL.]

Sec. 1535. DISTRESS FOR RENT—HOW COMMENCED—FORM OF PRAECIPE, DISTRESS WARRANT AND INVENTORY.] An action of distress for rent may be commenced before a justice of the peace in any case in which a similar action is authorized by law to be commenced in a court of record. The action shall be commenced by the filing by the plaintiff with the justice of the peace of a praecipe for a summons, together with a copy of the distress warrant and an inventory of the property levied upon. Such praecipe, copy of distress warrant and inventory may be in substantially the following form:

9 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

10	John Doe	} Distress for Rent. No. 25.
11	v.	
12	Richard Roe.	

13 PRAECIPE.

14 To said justice of the peace:

15 Please issue a summons requiring the appearance of the defendant at nine
16 o'clock, A. M., February 24, 1908.

17 JOHN DOE.

18 COPY OF DISTRESS WARRANT.

19 To William Doe of Will county, Illinois:

20 You are hereby authorized to distrain the personal property of Richard Roe,
21 of Will county, Illinois, which is liable to be distrained, wherever it may be found
22 in said Will county, where the said Richard Roe resides, for the sum of two hun-
23 dred dollars (\$200), being the amount due me on the 16th day of February, 1908,
24 for rent of the following described premises in Joliet, Illinois, to wit: Lot One

(1) Block Six (6) in said City of Joliet, demised to him by me; and for so doing this shall be your sufficient warrant.

Given under my hand and seal this 17th day of February, 1908.

JOHN DOE [SEAL.]

Landlord.

COPY OF INVENTORY OF PROPERTY LEVIED UPON.

(Here insert list of articles levied upon under distress warrant.)

Sec. 1536. SUMMONS—FORM.] Upon the filing of such præcipe, copy of distress warrant and inventory the justice of the peace shall issue and deliver to the plaintiff a summons to the defendant commanding him to appear in person or by attorney at the office of the justice of the peace on the day and at the time specified in the præcipe to answer to the action brought against him by the plaintiff. Such summons may be in substantially the following form:

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

John Doe	} Distress for Rent. No. 25.
v.	
Richard Roe.	

SUMMONS.

The People of the State of Illinois—GREETING to Richard Roe:

You are hereby commanded to appear in person or by attorney before me at my office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock, A. M., on February 24, 1908, to answer to an action of distress for rent brought against you before me by John Doe.

Witness my hand and seal at Joliet, Illinois, this 18th day of February, 1908.

HENRY BROWN, J. P. [SEAL.]

Sec. 1537. WHEN REPLEVIN WILL LIE BEFORE A JUSTICE OF THE PEACE.] An action of replevin may be brought before a justice of the peace for the recovery of goods or chattels which have been wrongfully distrained, or otherwise wrongfully taken, or shall be wrongfully detained, excepting where such property has

5 been taken for a tax, assessment or fine levied by virtue of any law of this state,
 6 or has been seized under an execution or attachment, or is held by virtue of a
 7 writ of replevin against the plaintiff in the action, or by virtue of any other writ
 8 of replevin issued in an action then pending and undetermined.

Sec. 1538. REPLEVIN—HOW COMMENCED — PRAECIPE — AFFIDAVIT — BOND —
 2 FORMS.] Every action of replevin shall be commenced by the filing by the plain-
 3 tiff, with the justice of the peace, of a praecipe for a writ of replevin and an af-
 4 fidavit showing that the plaintiff in such action is the owner of the property to be
 5 described in the writ or about to be replevined, or that he is then lawfully en-
 6 titled to the possession thereof and that the property is wrongfully detained by
 7 the defendant and that the same has not been taken for any tax, assessment or
 8 fine levied by virtue of any law of this state against the property of such plain-
 9 tiff or against him individually, nor seized under any execution or attachment
 10 against the goods and chattels of such plaintiff, nor held by virtue of any writ
 11 of replevin against the plaintiff in the action or by virtue of any other writ of
 12 replevin issued in an action then pending and undetermined in any court of rec-
 13 ord or before any justice of the peace of this state, and stating the value of such
 14 property and that the same does not exceed the value thus stated, and also by the
 15 filing, with the justice of the peace, of a bond of the plaintiff, or of some one else
 16 in his behalf, with sufficient security to be approved by the justice of the peace,
 17 payable to the People of the State of Illinois, in double the value of the prop-
 18 erty about to be replevied, conditioned that he will prosecute such action to ef-
 19 fect and without delay and make return of the property, if return of the prop-
 20 erty shall be awarded, and further conditioned for the payment of all costs and
 21 damages occasioned by the wrongful suing out of such writ of replevin, whether
 22 to the defendant or to any other person, and all costs and damages which may
 23 be incurred by the sheriff or other officer in the execution of the writ. The fol-
 24 lowing forms of praecipe, affidavit and bond shall be deemed sufficient and shall

25 be taken as furnishing suggestions from which other similar papers may be
26 properly framed:

1. PRAECIPE AND AFFIDAVIT FOR WRIT OF REPLEVIN.

2 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

3 John Doe and William Doe,
4 partners in business as
5 Doe Brothers,
6 v.
7 Richard Roe. } Replevin. No. 27.

8 PRAECIPE.

9 To said justice of the peace:

10 Please issue a writ of replevin requiring the appearance of the defendant
11 at nine o'clock, A. M., February 24, 1908. RICHARD ROE.

12 AFFIDAVIT FOR REPLEVIN.

13 John Doe on his oath says that he is one of the plaintiffs in the above en-
14 titled action and that the plaintiffs are lawfully entitled to the possession of the
15 following described goods and chattels, to-wit: one bay horse about six years
16 old with white star in forehead and one roan horse about five years old, which
17 horses are of the value of two hundred dollars (\$200) and no more;
18 that the said property is wrongfully detained by the above named defendant,
19 Richard Roe; and that the same has not been taken for any tax, assessment or
20 fine levied by virtue of any law of this State against the property of the plain-
21 tiffs or against the plaintiffs individually, nor seized under any execution or at-
22 tachment against the goods and chattels of the plaintiffs, nor held by virtue of
23 any other writ of replevin issued in an action now pending and undetermined in
24 any court of record or before any justice of the peace of this State.

25 JOHN DOE.

26 Subscribed and sworn to before me this 18th day of February, 1908.

27 HENRY BROWN, J. P.

28 2. REPLEVIN BOND.

29 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

30 John Doe, et al. }
31 v. } Replevin. No. 27.
32 Richard Roe. }

33 REPLEVIN BOND.

KNOW ALL MEN BY THESE PRESENTS, That we, John Doe and William Doe, as
principals, and Henry Smith, as surety, are held and firmly bound unto the
People of the State of Illinois in the penal sum of four hundred dollars (\$400)
for the payment of which, well and truly to be made, we bind ourselves, our
heirs, executors, administrators and assigns, jointly and severally, firmly by
these presents.

40 Witness our hands and seals this 18th day of February, 1908.

41 The condition of this obligation is such that whereas, the above bounden
42 John Doe and William Doe have, on the day of the date hereof, prayed a writ of
43 replevin from Henry Brown, Esq., justice of the peace of Will county, Illinois,
44 against one Richard Roe to recover one bay horse about six years old with
45 white star in forehead and one roan horse about five years old and the same is
46 about to be issued by said justice of the peace returnable at nine o'clock, A. M.,
47 February 24, 1908.

48 Now, therefore, if the said John Doe and William Doe shall prosecute their
49 action with effect and without delay and make return of the said property, if re-
50 turn thereof shall be awarded, and shall pay all costs and damages occasioned
51 by the wrongful suing out of such writ of replevin, whether to the said defend-
52 ant, Richard Roe, or to any other person, and all costs and damages which may
53 be incurred by the sheriff or other officer in the execution of said writ of replev-

54 in, then the above obligation is to be void; otherwise the same is to be and
 55 remain in full force and effect.

56 JOHN DOE [SEAL.]

57 WILLIAM DOE [SEAL.]

58 HENRY SMITH [SEAL.]

59 Approved Feb. 18, 1908.

60 HENRY BROWN, J. P.

Sec. 1539. WRIT OF REPLEVIN—FORM.] Upon the filing in any action of re-
 2 plevin of the præcipe for a writ of replevin, affidavit and the bond herein re-
 3 quired, the justice of the peace before whom the action is commenced shall is-
 4 sue and deliver to the plaintiff a writ of replevin directed to the sheriff and to
 5 all constables in the county in which the action is commenced, or in case the
 6 sheriff is interested or otherwise disqualified or prevented from acting, to the
 7 coroner and all constables of such county, requiring such sheriff, or coroner, or
 8 constables to whom it is directed, to cause the property, describing it as in the
 9 affidavit, to be replevied from the possession of the defendant and to be deliv-
 10 ered to the plaintiff and to summon the defendant to answer the plaintiff in the
 11 action. Such writ of replevin shall be in substantially the following form:

12 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

13 John Doe, et al. }
 14 v. } Replevin. No. 2.
 15 Richard Roe. }

16 WRIT OF REPLEVIN.

17 The People of the State of Illinois—GREETING to the sheriff and all constables of
 18 Will county, Illinois:

19 We hereby command you that you cause the following goods and chattels to
 20 be replevied from the possession of Richard Roe and to be delivered to John
 21 Doe and William Doe without delay, to-wit: one bay horse about six years old

22 with white star in forehead and one roan horse about five years old of the value
 23 of two hundred dollars (\$200) and no more.

24 We also command you that you summon Richard Roe to appear before me
 25 at my office at No. 17 Main Street, in Joliet, Will county, Illinois, at nine o'clock,
 26 A. M., on February 24, 1908, to answer to the above entitled action of replevin
 27 brought before me against him by the said John Doe and William Doe.

28 Witness my hand and seal at Joliet, Illinois, this 18th day of February,
 29 1908. HENRY BROWN, J. P. [SEAL.]

Sec. 1540. QUASI CRIMINAL ACTIONS FOR FINES, ETC.—HOW COMMENCED—
 2 FORMS.] A quasi criminal action to recover a fine or penalty for the violation of
 3 an ordinance of a municipal corporation, when the amount sought to be recov-
 4 ered does not exceed two hundred dollars (\$200), may be commenced as follows:

5 *First*—BY PRAECIPE AND STATEMENT OF CLAIM.] Whenever the plaintiff shall
 6 so elect such action may be commenced by the filing by the plaintiff, with the
 7 justice of the peace, of a praecipe for a summons and a statement of the plaintiff's
 8 claim as hereinbefore provided with respect to an action at law for the recovery
 9 of money only.

10 *Second*—BY COMPLAINT THAT OFFENSE HAS BEEN COMMITTED—FORM.] When
 11 the facts constituting the offense complained of also constitute, in whole or in
 12 part, a violation of the criminal code, the action may be commenced by the fil-
 13 ing by the plaintiff, with the justice of the peace, of a complaint verified by the
 14 affidavit of some person, setting forth that the offense has been committed and
 15 that the person making the affidavit has just and reasonable grounds to believe
 16 that the defendant committed the offense. Such complaint may be in substan-
 17 tially the following form:

18 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

19 City of Joliet
20 v.
21 Richard Roe. } Warrant. No. 15.

22 COMPLAINT.

23 John Doe on his oath says that he is a resident of Joliet, Will county, Illi-
24 nois, and that Richard Roe, late of said City of Joliet, on the 18th day of Feb-
25 ruary, 1908, at said City of Joliet, did make, aid, countenance and assist in
26 making a disturbance tending to a breach of the peace in violation of section
27 18 of the Revised Municipal Code of the City of Joliet of 1907.

28 JOHN DOE.

29 Subscribed and sworn to before me this 18th day of February, 1908.

30 HENRY BROWN, J. P.

31 *Third*—BY COMPLAINT AND CHARGE THAT PARTY MAY ESCAPE—FORM.] When
32 the facts constituting the offense complained of do not constitute, in whole or in
33 part, a violation of the criminal code, the action may be commenced by the filing
34 by the plaintiff, with the justice of the peace, of a complaint verified by the
35 affidavit of some person setting forth that an ordinance has been violated and
36 that the person making the affidavit has reasonable ground to believe that the
37 party charged is guilty thereof and will escape unless arrested, and stating the
38 facts upon which such belief is founded. Such complaint may be in substantially
39 the following form:

40 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

41 City of Joliet
42 v.
43 Richard Roe. } Warrant. No. 16.

44 COMPLAINT.

45 John Doe on his oath says that he is a resident of Joliet, Will county, Illi-
46 nois, and that Richard Roe, late of said city of Joliet, on the 18th day of Febru-
47 ary, 1908, at said city of Joliet, did carry on the business of a peddler without a
48 license in violation of section forty-seven (47) of the Revised Municipal Code

of the city of Joliet of 1907; that affiant has reasonable grounds to believe that the said Richard Roe will escape unless arrested; that said Richard Roe is not a resident of the city of Joliet, but is only temporarily in said city and is about to depart the same.

53

JOHN DOE.

54

Subscribed and sworn to before me this 18th day of February, 1908.

55

HENRY BROWN, J. P.

56

Fourth—BY ARREST ON VIEW AND COMPLAINT—FORM.] Any police officer of a

57 municipal corporation may arrest on view any person who may be seen by such

58 police officer in the act of violating within the limits of such municipal corpora-

59 tion any ordinance thereof or any ordinance of any other municipal corporation

60 situated, in whole or in part, within the limits thereof, whenever such violation

61 is by such ordinance made punishable by fine. Any person so arrested shall,

62 without unnecessary delay, be taken by such officer before some court of record,

63 or before some justice of the peace of the county in which such municipal cor-

64 poration is situated, and such police officer shall thereupon make and file a com-

65 plaint in writing under oath against such defendant of the violation by such de-

66 fendant of such ordinance and such defendant shall thereupon be dealt with ac-

67 cording to law in the same manner as if he had been arrested in the first in-

68 stance under a warrant lawfully issued. The complaint in this clause provided

69 for, when made before a justice of the peace, may be in substantially the follow-

70 ing form:

71 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

72 City of Joliet

73 v.

74 Richard Roe.

} Warrant. No. 17.

75

COMPLAINT.

76 John Doe on his oath says that he is a police officer of the city of Joliet,

77 Will county, Illinois, and resident therein and that Richard Roe, late of said city

78 of Joliet, on the 18th day of February, 1908, at said city of Joliet, did carry on

79 the business of a peddler without a license in violation of section forty-seven
 80 (47) of the Revised Municipal Code of the city of Joliet of 1907, and that affiant
 81 saw said Richard Roe on said day in the act of violating said ordinance as afore-
 82 said and did then and there arrest said Richard Roe and bring him before the
 83 court.

JOHN DOE.

84 Subscribed and sworn to before me this 18th day of February, 1908.

85 HENRY BROWN, J. P.

86 *Fifth*—WARRANT—FORM.] Upon the filing with the justice in a quasi crim-
 87 inal action of a complaint verified by affidavit, as provided in Clauses Second
 88 and Third of this section, the justice of the peace, if satisfied that the defendant
 89 ought to be arrested, may issue a warrant for the arrest of the defendant re-
 90 turnable either forthwith or at a fixed time, which warrant, when returnable
 91 forthwith, may be in substantially the following form:

92 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

93 City of Joliet	} Warrant. No. 16.
94 v.	
95 Richard Roe.	

96 WARRANT.

97 The People of the State of Illinois—GREETING to the sheriff or any constable of
 98 Will county, or any police officer of the city of Joliet:

99 We hereby command you that you take Richard Roe, if he be found in your
 100 county, and him safely keep so that you may have his body before me at my office
 101 at No. 17 Main Street, in Joliet, Will county, Illinois, instanter, to answer unto
 102 the city of Joliet for and concerning a violation of section eighteen (18) of the
 103 Revised Municipal Code of 1907, with which the said Richard Roe stands
 104 charged before me as by a certain complaint under oath preferred against him
 105 and filed before me in that behalf appears.

106 Witness my hand and seal at Joliet, Illinois, this 18th day of February,
 107 1908.

HENRY BROWN, J. P. [SEAL.]

108 Recognizance \$100.

109 Cash Bail \$50.

110

NOTE.

111 When the warrant is returnable at a fixed time the above form may be
 112 varied from by inserting, in lieu of the word "instanter," a specification of the
 113 day and hour when the defendant is to be brought before the justice.

114 *Sixth*—FIXING AMOUNT OF RECOGNIZANCE.] Before issuing any warrant the
 115 justice shall endorse thereon the amount of the recognizance to be required of
 116 the defendant and also the amount of the cash deposit to be required of the de-
 117 fendant in case he shall elect to make such cash deposit in lieu of entering into
 118 a recognizance. The amount of the recognizance to be required in any such ac-
 119 tion shall be not less than fifty dollars (\$50) nor more than two hundred
 120 dollars (\$200) and the same shall be either fifty dollars (\$50) or some multiple
 121 thereof. The amount of cash deposit to be required of the defendant in lieu of
 122 bail shall be not less than twenty-five dollars (\$25) nor more than one hun-
 123 dred dollars (\$100).

Sec. 1541. MANNER OF SERVING SUMMONS OR WRIT.] Service of every sum-
 2 mons or writ, other than one requiring the arrest of the person therein
 3 named, or a summons in an action for the trial of the right of
 4 property, shall be made by delivering a copy thereof, together with a copy of the
 5 plaintiff's præcipe, distress warrant and inventory in an action of distress for
 6 rent, præcipe, affidavit and bond in attachment in an action of attachment, præ-
 7 cipe, affidavit and bond in replevin in an action of replevin, and præcipe and
 8 statement of claim in every other action to the proper person and informing
 9 such person of the contents of such copy of the summons or writ. The person
 10 to whom such delivery is to be made shall be the same person to whom delivery
 11 of a copy of the summons or writ and other papers is authorized or required to
 12 be made by this act in a like action commenced in a court of record. Service of
 13 a summons in an action for trial of the right of property may be made by de-
 14 livering a copy of the summons, præcipe and statement of claim to the officer by

whom the execution or writ of attachment has been levied, whose duty it shall be to transmit the same by registered letter, or otherwise cause the same to be delivered, to the attorney or one of the attorneys of record of such plaintiff or plaintiffs, or, if there be no such attorney of record, such sheriff or other officer shall transmit such copy of the summons, præcipe and statement of claim by registered letter, or otherwise cause the same to be delivered, to the plaintiff or one of the plaintiffs in the execution or writ of attachment, and such officer shall thereupon be relieved from all responsibility for the defense of such action, and the judgment in such case, if the same be in favor of the plaintiff, shall be a complete indemnity to such officer for restoring to such plaintiff any property required by the judgment in such action to be restored to the plaintiff, or if it be in favor of the defendant, it shall be a complete indemnity to the sheriff or other officer from all liability to the plaintiff in the action for selling the property under the execution by virtue of which the same was seized, or under the execution issued in the action under the writ of attachment in which such property was seized. Every summons or writ provided for by this act shall be served at least three days before the time of appearance mentioned therein.

Sec. 1542. WHO MAY SERVE SUMMONS OR WRIT—RETURN—AFFIDAVIT OF

SERVICE—FEES.] Any summons issued by a justice of the peace may be served by any sheriff, deputy sheriff, coroner or deputy coroner, or constable of the county in which such service is had, or by any bailiff or deputy bailiff of any court of record in such county, or by any person over the age of eighteen years not a party to the action, but an attachment writ, replevin writ, or writ or warrant requiring the arrest of the defendant, must be served and executed by a sheriff, deputy sheriff, coroner or deputy coroner, constable, or bailiff or deputy bailiff of a court of record. When service or execution of any summons or writ is made by any sheriff, deputy sheriff, coroner, deputy coroner, constable, bailiff, or deputy bailiff, proof of such service may be made by the return of such officer endorsed upon such summons or writ and signed by him. When serv-

13 ice of any summons is made by any person other than a sheriff, deputy sheriff,
 14 coroner, deputy coroner, constable, bailiff, or deputy bailiff, proof of such serv-
 15 ice shall be made by the affidavit of the person making such service endorsed on
 16 such summons, or attached thereto, which affidavit shall state the name, place of
 17 residence, age and occupation of the person making such service and the date,
 18 place and manner of such service. When the plaintiff delivers any summons or
 19 writ for service to any sheriff, deputy sheriff, coroner, deputy coroner, consta-
 20 ble, bailiff, or deputy bailiff, the plaintiff shall at the same time deliver to such
 21 officer the copies of the summons or writ, with the copies of the præcipe and
 22 statement of claim, præcipe, distress warrant and inventory, præcipe, affidavit
 23 and bond in attachment, or præcipe, affidavit and bond in replevin, as the case
 24 may be. The fees of any sheriff, deputy sheriff, coroner, deputy coroner,
 25 constable, bailiff, or deputy bailiff, for the service of any summons or
 26 writ shall be such as may be provided by this act or as may be otherwise pro-
 27 vided by law, and when any summons is served by any person other than a sher-
 28 iff, deputy sheriff, coroner, deputy coroner, constable, bailiff, or deputy bailiff,
 29 the plaintiff shall be entitled to have taxed as costs in the action in his favor an
 30 amount equal to one-half of the fees allowed by law to any constable for such
 31 service.

Sec. 1543. EXECUTION OF ATTACHMENT WRIT—PURSUIT OF PROPERTY.] An at-
 2 tachment writ, in addition to being served upon the defendant in the manner
 3 hereinbefore provided, shall be executed upon the personal property of the de-
 4 fendant of sufficient value to satisfy the plaintiff's claim with the costs of the
 5 action. If the defendant or any person for him shall be in the act of removing
 6 any personal property, the officer may pursue and take the same in any county
 7 in this state and return the same to the county from which such attachment is-
 8 sued.

Sec. 1544. [EXECUTION OF WRIT OF REPLEVIN.] A writ of replevin, in addition to being served upon the defendant in the manner hereinbefore provided, shall be executed by the officer by seizing the personal property therein described and delivering the same to the plaintiff in the action or to his agent.

Sec. 1545. EXECUTION OF QUASI CRIMINAL WARRANT.] A warrant issued as hereinbefore provided in a quasi criminal action commenced by warrant shall be served by delivering to the defendant a copy thereof together with a copy of the plaintiff's complaint and of the affidavit verifying the same and bringing the defendant before the justice by whom the warrant has been issued, or taking bail of the defendant as hereinafter provided.

Sec. 1546. FORMS OF OFFICER'S RETURNS AND AFFIDAVITS OF SERVICE.] The following forms of officer's return and other person's affidavit of service of a summons or writ shall be deemed sufficient and shall be taken as furnishing suggestions from which other returns and affidavits may be properly framed:

1. OFFICER'S RETURN OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FILING PRAECIPE AND STATEMENT OF CLAIM WHEN COPIES ARE DELIVERED TO DEFENDANT PERSONALLY.

I hereby certify that I have duly served the within summons this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's præcipe and statement of claim, to the within named defendant Richard Roe and informing the said Richard Roe of the contents of such copy of the summons.

WILLIAM SMITH, *Constable*.

2. OFFICER'S RETURN OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FILING PRAECIPE AND STATEMENT OF CLAIM WHEN COPY IS DELIVERED TO A PERSON OF DEFENDANT'S FAMILY.

I hereby certify that I have duly served the within summons this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the

18 plaintiff's praecipe and statement of claim, to Mary Roe, at the usual place of
 19 abode of said Richard Roe, she being a person of his family of the age of up-
 20 wards of ten years, and informing her of the contents of such copy of the sum-
 21 mons, service being made upon said Mary Roe because said Richard Roe could
 22 not be conveniently found.

23 WILLIAM SMITH, *Constable*.

24 3. OFFICER'S RETURN OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FIL-
 25 ING PRAECIPE AND STATEMENT OF CLAIM WHEN DEFENDANT IS AN INCORPORATED COM-
 26 PANY OTHER THAN A MUNICIPAL CORPORATION.

27 I hereby certify that I have duly served the within summons this 18th day
 28 of February, 1908, by delivering a copy thereof, together with a copy of the plain-
 29 tiff's praecipe and statement of claim, to Thomas Clark, a station agent of the
 30 within named defendant, Chicago, Burlington & Quincy Railroad Company,
 31 neither the president, vice-president, secretary, treasurer, or cashier of said com-
 32 pany being found in my county, and informing said Thomas Clark of the con-
 33 tents of said copy of the summons.

34 WILLIAM SMITH, *Constable*.

35 4. OFFICER'S RETURN OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FIL-
 36 ING PRAECIPE AND STATEMENT OF CLAIM WHEN DEFENDANT IS A CITY.

37 I hereby certify that I have duly served the within summons this 18th day
 38 of February, 1908, by delivering a copy thereof, together with a copy of the
 39 plaintiff's praecipe and statement of claim, to Henry Smith, he being the clerk
 40 of the defendant, the city of Joliet, and informing said Henry Smith of the con-
 41 tents of said copy of the summons.

42 WILLIAM SMITH, *Constable*.

43 5. OFFICER'S RETURN OF SERVICE OF WRIT OF REPLEVIN.

44 I hereby certify that I have duly served the within writ of replevin this 18th
 45 day of February, 1908, by delivering a copy thereof, together with a copy of

the plaintiff's præcipe, affidavit for replevin and replevin bond, to the above named defendant Richard Roe, and informing said Richard Roe of the contents of such copy of the writ of replevin, and that I have further executed the same by replevying from the possession of the defendant, said Richard Roe, the within described property, to-wit: one bay horse about six years old with white star in the forehead and one roan horse about five years old, and delivering the same to the plaintiffs John Doe and William Doe.

WILLIAM SMITH, *Constable of Will County.*

6. OFFICER'S RETURN OF SERVICE OF WRIT OF ATTACHMENT.

I hereby certify that I have duly served the within writ of attachment this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's præcipe, affidavit in attachment and attachment bond, to the within named defendant, Richard Roe, and informing said Richard Roe of the contents of such writ of attachment, and that I have further executed the same by levying upon the following described property as the property of the defendant, Richard Roe, to-wit: one bay horse about six years old with white star in the forehead and one roan horse about five years old.

WILLIAM SMITH, *Constable of Will County.*

7. AFFIDAVIT OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FILING PRÆCIPE AND STATEMENT OF CLAIM WHEN COPIES ARE DELIVERED TO DEFENDANT PERSONALLY.

William Doe on his oath says that he resides at 215 Chestnut Street, Joliet, Illinois; that his age is twenty-two years and his occupation that of a clerk in the office of Jones and Smith, attorneys at law, 37 Main Street, Joliet, Illinois; and that he has duly served the within summons this 18th day of February, 1908, by delivering a copy thereof, together with a copy of the plaintiff's præcipe and statement of claim, to the within named defendant, Richard Roe, and informing the said Richard Roe of the contents of such copy of the summons at Joliet, Illinois.

WILLIAM DOE.

75 Subscribed and sworn to before me this 18th day of February, 1908.

76 HENRY BROWN, J. P.

77 8. AFFIDAVIT OF SERVICE OF SUMMONS IN ACTION COMMENCED BY FILING PRAE-
78 CIPE AND STATEMENT OF CLAIM WHEN COPY IS DELIVERED TO A PERSON OF DEFENDANT'S
79 FAMILY.

80 William Doe on his oath says that he resides at 215 Chestnut Street, Joliet,
81 Illinois; that his age is twenty-two years and his occupation that of a clerk in
82 the office of Jones and Smith, attorneys at law, 37 Main Street, Joliet, Illinois,
83 and that he has duly served the within summons this 18th day of February,
84 1908, by delivering a copy thereof, together with a copy of the plaintiff's præ-
85 cipe and statement of claim, to Mary Roe at the usual place of abode of said
86 Richard Roe, she being a person of his family of the age of upwards of ten
87 years, and informing her of the contents of such copy of the summons at Joliet,
88 Illinois, service being made upon said Mary Roe because said Richard Roe could
89 not be conveniently found.

90 WILLIAM DOE.

91 Subscribed and sworn to before me this 18th day of February, 1908.

92 HENRY BROWN, J. P.

Sec. 1547. CHANGE OF VENUE.] Previous to the commencement of any trial before a justice of the peace either party, or his agent or attorney, may make oath that it is the belief of such deponent that the plaintiff or defendant, as the case may be, cannot have an impartial trial before such justice; whereupon it shall be the duty of the justice immediately to transmit all the papers and documents belonging to the action, together with a transcript of his docket, to the nearest justice of the peace in the same county, who is not of kin to either party, sick, absent from town or interested in the event of the action as counsel or otherwise, who shall proceed as if the action had been instituted before him. The distance as contemplated in this section shall mean to be by the nearest trav-

11 eled route. The costs of a change of venue shall abide the result of the action
12 and shall not be demanded in advance.

Sec. 1548. TRIAL BY CONSENT.] If both parties agree to have a difference de-
2 cided by a justice of the peace without process he shall enter the action in his
3 docket, noting particularly such consent, and shall proceed as in other cases.

Sec. 1549. NON-APPEARANCE OF PLAINTIFF—DISMISSAL WHEN.] If the plain-
2 tiff or his agent shall not appear at the time appointed for the trial and no suf-
3 ficient reason shall be assigned to the justice why such plaintiff or his agent
4 does not appear, the justice shall dismiss the action and the plaintiff shall pay
5 the costs, unless the defendant shall consent that such action be continued to
6 another day.

Sec. 1550. NON-APPEARANCE OF DEFENDANT—DEFAULT—AFFIDAVIT OF CLAIM.]
2 If the defendant shall not appear at the time of trial after being served with
3 the summons or writ and no sufficient reason be assigned to the justice why he
4 does not appear, the justice shall proceed to hear and determine the action, but
5 shall not give judgment in favor of the plaintiff unless the plaintiff shall fully
6 prove his demand in the same manner as if the defendant were present and
7 denied the same. If the plaintiff in any action on a contract, express or implied,
8 for the payment of money shall file with the justice, at the time of commencing
9 such action, an affidavit showing the nature of his demand and the amount due
10 him from the defendant after allowing to the defendant all his just deduc-
11 tions, credits, and set-offs, if any, he shall be entitled to judgment, in case of de-
12 fault, for the amount shown to be due by such affidavit, but the justice may re-
13 quire further evidence.

Sec. 1551. JURY TRIAL TO BE DEMANDED WHEN AND HOW—SUMMONS FOR JUR-
2 ORS—FORM.] Every action before a justice of the peace, other than a criminal
3 or quasi criminal action, shall be tried by the justice without a jury, unless the

4 plaintiff, at the time he commences the action, or the defendant, at the time he
5 appears, shall file with the justice a demand in writing of a trial by jury speci-
6 fying the number of jurors demanded, which number shall be either six or twelve
7 as the party demanding a trial by jury may elect, and shall pay to the justice
8 the sum of seventy-five (75) cents to be paid to each person who may serve as a
9 juror and the further sum of twenty-five (25) cents for each juror as the fees
10 of the officer for summoning the jurors. Such demand for a trial by jury may
11 be withdrawn at any time prior to the empanelling of the jury and, if withdrawn
12 before the summoning of the jury by the officer, the amount advanced by the
13 party filing such demand as hereinbefore provided shall be refunded to such
14 party by the justice, but in case such demand shall not be withdrawn before the
15 summoning of the jury the amount thus advanced shall be paid to the jurors
16 summoned and the officer serving the jury summons. When a trial by jury is
17 demanded by either party the justice, before the time which may be fixed for
18 the trial, shall issue a writ for the summoning of the jurors which may be in
19 substantially the following form:

20 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

21 John Doe	} Action for Money. No. 25.
22 v.	
23 Richard Roe.	

24 JURY SUMMONS.

25 The People of the State of Illinois—GREETING to the sheriff or any constable of
26 said Will county:

27 We command you to summon six lawful men of your county, who are not
28 kin to John Doe, plaintiff, or to Richard Roe, defendant, to appear before me
29 at my office at No. 17 Main Street, in Joliet, Will county, Illinois, at nine
30 o'clock, A. M. on February 24, 1908, to make a jury between said parties in the
31 above entitled action pending before me.

32 Witness my hand and seal at Joliet, Illinois, this 18th day of February, 1908.

33 HENRY BROWN, J. P. [SEAL.]

Sec. 1552. EXAMINATION OF JURORS—QUALIFICATIONS—NOT TO BE INSTRUCTED.]

2 The jurors may be sworn and examined as to their qualifications, which shall
3 be the same as required of jurors in courts of record, except as is otherwise pro-
4 vided in the succeeding section, and when accepted by the parties shall be sworn
5 to try the action, but they shall not be instructed as to the law by the justice, ex-
6 cept as to the form of the verdict, and, when the jury agree upon the verdict,
7 judgment shall be entered by the justice in accordance therewith.

Sec. 1553. CHALLENGES OF JURORS.] If any juror summoned as aforesaid

2 shall be interested in the event of the action, or of kin to either party, or shall
3 have formed or expressed his settled opinion on the matter about to be tried, or
4 has served on a jury in any trial before a justice of the peace at any time within
5 three months, or shall for any other cause be a partial or improper juror, in that
6 case the justice shall discharge such juror at the instance of either party; and
7 when, by such discharge or the failure of any juror to attend, the jury shall not
8 be complete, the justice shall direct the constable to summon as many persons
9 from among the bystanders or other persons as shall be required to fill such jury,
10 which summons shall be verbal. Each party shall have the right to three peremp-
11 tory challenges of such jurors.

Sec. 1554. TRIAL AND JUDGMENT.] When the parties shall appear and be

2 ready for trial and neither shall have demanded a trial by jury as hereinbefore
3 provided the justice shall proceed to hear their respective allegations and proofs,
4 and, if the action be upon a contract, express or implied, shall thereupon give
5 judgment against the party who shall be proved to be indebted to the other for
6 so much money in dollars and cents as shall appear to be due, including such in-
7 terest as is allowed by law and costs of the action, or for the amount of damages
8 proved; but if neither party shall appear to be indebted or no damages are
9 proved the judgment shall be against the plaintiff for the costs of the action.
10 If the action is for a tort the judgment shall be for the plaintiff for damages

11 proved and costs of the action; or, if no damages are proved, the judgment shall
12 be against the plaintiff for costs.

Sec. 1555. JUDGMENT—WHEN DEFENDANTS NOT JOINTLY LIABLE.] If an action
2 be brought against two or more defendants and it shall appear upon the trial
3 that one or more of the defendants is not jointly liable with the other upon the
4 contract or cause of action sued upon, judgment shall be given against such as
5 appear to be liable and in favor of the others.

Sec. 1556. ADDED DEFENDANT—SUMMONS—FORM.] If it shall appear at any
2 time before final judgment that any other person is jointly liable with the de-
3 fendant in any action before a justice, such person may be added as a party to
4 the action upon the plaintiff paying all the costs that shall be occasioned thereby
5 and the action may be continued for service upon such added defendant. The
6 summons shall describe such added defendant as impleaded with the original de-
7 fendant and in other respects it shall be in like form and be served and returned
8 as an original summons. The following shall be deemed a sufficient form of sum-
9 mons to an added defendant:

10 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

11 John Doe
12 v.
13 Richard Roe et al. } Action for Money. No. 25.

14 SUMMONS.

15 The People of the State of Illinois—GREETING to Henry Roe:

16 You are hereby commanded to appear in person or by attorney before me at
17 my office at No. 17 Main Street, in Joliet, Will county, Illinois, at nine o'clock,
18 A. M., on March 3, 1908, to answer to an action at law for the recovery of money
19 brought against you impleaded with Richard Roe before me by John Doe.

20 Witness my hand and seal at Joliet, Illinois, this 24th day of February.

21 1908. HENRY BROWN, J. P. [SEAL.]

Sec. 1557. AMENDMENTS.] The justice may, at the request of either party,
 2 at any time before final judgment, amend the summons and other papers in the
 3 action so as to make the same conform to the true names of the plaintiffs and de-
 4 fendants; but this section shall not be construed to allow any proceeding against
 5 a person not served with process and not appearing.

Sec. 1558. DISMISSAL AS TO ONE OR MORE DEFENDANTS.] The plaintiff may,
 2 at any time before final judgment, at his own cost, dismiss the action as to one
 3 or more defendants.

Sec. 1559. JUDGMENT TO BE ENTIRE IN ACTIONS ON CONTRACTS—SEPARATE
 2 CLAIMS AGAINST DIFFERENT DEFENDANTS NOT ALLOWED.] In actions on contracts, ex-
 3 press or implied, the justice shall give one entire judgment for the whole amount
 4 proved to be due against so many of the defendants jointly as shall be proved to
 5 be jointly indebted to the plaintiff. But if it shall appear to the justice that any
 6 two or more of the defendants are severally indebted to the plaintiff upon sepa-
 7 rate and different causes of action such plaintiff shall not be allowed to bring any
 8 such separate claims; nor shall he be barred by the determination of his action
 9 against such joint defendants, from prosecuting his action against the respective
 10 defendants for the recovery of such separate demands.

Sec. 1560. WHEN ONLY PART OF DEFENDANTS SERVED—NEW SUMMONS—FORM.]
 2 If, in any action for the recovery of money only, any summons is served on any
 3 one or more but not on all the defendants, the plaintiff shall be at liberty to pro-
 4 ceed to trial and judgment in the same manner as if all the defendants were in
 5 court, and judgment may be entered and execution issued against the defendant
 6 served with process and the justice of the peace shall, on the application of the
 7 plaintiff, issue another summons against the defendant or defendants not served
 8 with the original summons as aforesaid, to cause him or them to appear before
 9 said justice of the peace at some stated time not less than five (5) nor more than

10 fifteen (15) days from the date of such summons to show cause why he or they
 11 should not be made parties to said judgment. And the justice of the peace
 12 shall, on the return showing service of such summons at least three days pre-
 13 vious to the time fixed for hearing the same, proceed to hear and determine the
 14 matter in the same manner as if such defendant or defendants had been origi-
 15 nally served with summons, and may grant a continuance as in other cases. Such
 16 summons shall be in substantially the following form

17 BEFORE HENRY BROWN, Esq., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

18	John Doe	} Action for Money. No. 26.
19	v.	
20	Richard Roe et al.	

21 SUMMONS.

22 The People of the State of Illinois—GREETING to Henry Roe:

23 You are hereby commanded to appear in person or by attorney before me
 24 at my office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock,
 25 A. M., on March 3, 1908, to show cause, if any you have, why you shall not be made
 26 a party to a judgment for two hundred dollars (\$200) and costs of the
 27 action recovered before me by John Doe against Richard Roe on the 24th day of
 28 February, 1908, in the above entitled action.

29 Witness my hand and seal at Joliet, Illinois, this 24th day of February, 1908.

30 HENRY BROWN, J. P. [SEAL.]

Sec. 1561. PROCEDURE AS TO DEFENDANT SUBSEQUENTLY SERVED.] On the trial
 2 of the action against such defendant so served the plaintiff shall be heard to
 3 prove his cause of action against such added defendant or defendants as if no
 4 judgment had been entered. Such defendant or defendants shall be allowed the
 5 benefit of any payment which may have been made on the judgment before re-
 6 covered; and the judgment of the court, if against the defendant or defendants,
 7 shall be that the plaintiff recover of such defendant or defendants, together with
 8 the defendant in the former judgment, the amount of his debt or damages, as

9 the case may be, and on such judgment execution may issue against all the de-
 10 fendants as in other cases. The judgment shall not be for a greater amount than
 11 the original judgment and interest thereon from the time of rendering the same.

Sec. 1562. CLAIMS ACQUIRED SUBSEQUENT TO COMMENCEMENT OF ACTION.] No
 2 party shall be permitted to introduce at the trial of any action for money be-
 3 fore a justice of the peace any note, bond, debt or other claim against his adver-
 4 sary which he shall have acquired after the commencement of the action.

Sec. 1563. JUSTICE MAY REQUIRE SET-OFF TO BE IN WRITING.] The justice
 2 shall, at the request of the plaintiff, before the trial of any action for money
 3 shall have been entered upon, require the defendant, who claims a set-off, to
 4 exhibit his account or state the nature of his set-off in writing and upon the
 5 trial shall preclude the defendant failing to do so from giving evidence of the
 6 same or such part thereof as shall not have been exhibited or stated.

Sec. 1564. TENDER BY DEFENDANT.] If the defendant in any action for
 2 money before a justice of the peace will tender to the sheriff or constable, or
 3 deposit with the justice, the amount actually due the plaintiff with all costs
 4 that shall have accrued at the time, or will pay or tender the same to the plain-
 5 tiff or his agent or attorney and in case the same is not accepted deposit the
 6 money with the justice at or before the time of trial, all costs that shall accrue
 7 thereon shall be adjudged against the plaintiff.

Sec. 1565. PROCEDURE IN CASE OF SICKNESS OF JUSTICE.] When a justice of
 2 the peace before whom an action is pending is unable on account of sickness or
 3 other cause to attend at the time and place fixed for the trial, any other justice
 4 of the peace in the town or precinct may at his request, made in writing, attend
 5 at the time and place fixed for the trial and hear the cause or make any neces-
 6 sary orders instead and on behalf of the justice calling him; and the judgment

7 so entered shall have the same force and effect as if rendered by the justice
8 before whom the action is pending.

Sec. 1566. ACTIONS FOR WAGES—ATTORNEY'S FEE.] In actions by any
2 mechanic, artisan, miner, laborer, servant or employee for wages earned and
3 due, in which the court or jury shall find that the amount for which the action
4 is brought is justly due and that a demand has been made in writing at least
5 three days before the action was commenced for a sum not exceeding the
6 amount so found due, it shall be the duty of the justice to allow to the plain-
7 tiff a reasonable attorney's fee, not less than five dollars (\$5), in addition to
8 the amount found due for wages to be taxed as costs in the action. In case the
9 justice shall find and express in any judgment rendered by him that such judg-
10 ment is rendered for the wages of any laborer or servant, he shall endorse such
11 finding upon the execution when issued.

Sec. 1567. CONTINUANCES.] The justice before the commencement of the
2 trial may continue an action not exceeding ten days at any one time upon consent
3 of the parties or for any good cause shown, and either party shall be entitled to
4 such continuance if it shall appear upon his oath, or that of a credible witness,
5 that he cannot safely go to trial on account of the absence of material testi-
6 mony. No continuance shall be granted on the application of either party,
7 unless it shall appear that he has used due diligence to be ready for trial; nor
8 for the want of evidence, if the other party will admit the facts proposed to be
9 proved, or, if the evidence desired be the testimony of a witness, that the witness
10 if present, would testify as alleged by the party applying for the continuance;
11 and the party making such admission may controvert the facts proposed to be
12 proved by such absent witness. Either party may have the cause continued
13 for a reasonable time, not exceeding one month at any one time, for the purpose
14 of taking the deposition of a witness in like case as depositions may be taken
15 in courts of record.

Sec. 1568. WHEN ACTION NOT DISCONTINUED.] No action before a justice

2 of the peace shall be deemed discontinued by the failure of the justice to try the
 3 same at the time fixed for the trial thereof, or by the failure of the justice to
 4 enter an order continuing the same to a fixed date, but in case of the failure of
 5 the justice to try the action at the time appointed therefor, or to enter an
 6 order continuing such action, either party, at any time within thirty days there-
 7 after, by notice in writing to the opposite party giving the day, hour, and place
 8 of the trial, may secure a trial of such action by the justice of the peace at the
 9 time fixed in such notice or at such other time as may be fixed therefor by said
 10 justice.

Sec. 1569. SUBPOENAS—FORM.] When either party shall require the at-

2 tendance of a witness in any action pending before a justice, it shall be the duty
 3 of the justice to issue a subpoena in the following form, as nearly as the case
 4 will admit:

5 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

6 John Doe	} Action for Money. No. 25.
7 v.	
8 Richard Roe.	

9 SUBPOENA.

10 The People of the State of Illinois—GREETING to John Smith and William
 11 Smith:

12 You are hereby commanded to appear before me at my office at No. 17 Main
 13 Street, in Joliet, Will county, Illinois, at nine o'clock A. M., on February 20,
 14 1908, then and there to testify the truth in a matter in action wherein John
 15 Doe is plaintiff and Richard Roe is defendant.

16 Witness my hand and seal at Joliet, Illinois, this 18th day of February.
 17 1908.

HENRY BROWN, J. P. [SEAL.]

Sec. 1570. SERVICE OF SUBPOENA.] Any subpoena may be served by any

2 officer or other person who is authorized by this act to serve a summons and

3 the same shall be served by delivering a copy thereof to the person served.
 4 When any subpœna is served by any person other than such officer the plaintiff
 5 shall be entitled to have taxed as costs in the action in his favor an amount
 6 equal to one-half of the fees allowed by law, to any such officer for such service.

Sec. 1571. INSERTING NAMES IN SUBPOENA.] In all cases where a justice
 2 of the peace is required to issue a subpœna at the instance of either party to
 3 an action, such party may insert the names of as many witnesses in such
 4 subpœna, as such party may deem necessary, and such names may be inserted
 5 as well after as before such subpœna is issued.

Sec. 1572. WITNESS FEES.] Each witness so summoned shall be entitled to
 2 seventy-five (75) cents per day for attending each trial to be taxed with the
 3 other costs of the action and paid when the judgment and costs are collected;
 4 but, if more than two witnesses shall be sworn in any case to testify to one fact
 5 on the same side, the party requiring such extra witnesses shall be at the
 6 whole expense of securing the same; but no such fee shall be taxed by the justice
 7 unless claimed by the witness attending.

Sec. 1573. DENIAL OF EXECUTION OR ENDORSEMENT.] No party to any action
 2 before a justice of the peace shall be permitted to deny the execution or any
 3 endorsement of any written instrument upon which the action shall be founded,
 4 or which shall be offered as a set-off or acquittance for the debt demanded in
 5 such action, unless the said denial be by affidavit of the party so denying the
 6 execution or endorsement thereof.

Sec. 1574. EVIDENCE AS TO JOINT PLAINTIFFS, ETC.] In trials of actions upon
 2 contracts, express or implied, where the action is brought by joint plaintiffs or
 3 partners, or by joint payees or obligees, it shall not be necessary for the
 4 plaintiff, in order to maintain any such action, to prove the right of the plain-
 5 tiffs to sue, or the co-partnership of the individuals named in such action, or to

6 prove the Christian or surnames of such plaintiffs, co-partners or joint payees
 7 or obligees; but the names of such plaintiffs, co-partners, joint payees or obligees
 8 shall be presumed to be truly set forth in the summons or writ. Nothing herein
 9 contained shall prevent the defendant or defendants in any such action from
 10 proving on the trial either that more persons ought to have been plaintiffs, or
 11 that more persons have been made plaintiffs than have a legal right to sue, or
 12 that the Christian or surname of any party is other and different from the
 13 one stated in the summons or writ.

Sec. 1575. PROOF OF JOINT LIABILITY NOT NECESSARY IN FIRST INSTANCE WHEN.]

2 In actions upon contracts, express or implied, against two or more defendants
 3 as joint defendants or partners, or joint obligors or payors, whether so alleged
 4 or not, proof of the joint liability or partnership of the defendants, or their
 5 Christian or surnames, shall not, in the first instance, be required to entitle the
 6 plaintiff, or plaintiffs, to judgment, unless the defendant or defendants, or any
 7 of them, shall deny the partnership or joint liability, or the execution of the in-
 8 strument sued on by affidavit.

Sec. 1576. WHEN CORPORATE EXISTENCE OF CORPORATION NEED NOT BE PROVEN.]

2 In actions by or against corporations it shall not be necessary to prove the
 3 existence of such corporation, or that it sues or is sued by its corporate name,
 4 unless, previous to the commencement of the trial, the corporate existence of
 5 such plaintiff or defendant, or that its name is correctly stated, is denied in
 6 writing signed by the party making such denial or by his agent or attorney, and
 7 not then, if the corporation be one of whose corporate existence judicial notice
 8 is to be taken in accordance with this act.

Sec. 1577. DEPOSITIONS.] Depositions in actions before justices of the

2 peace shall be taken upon like notice and in like manner, as near as may be, as
 3 depositions may be taken to be used in courts of record.

Sec. 1578. JUSTICE NOT TO COLLECT CLAIM BY ACTION BEFORE HIMSELF.] No
2 action shall hereafter be brought before any justice of the peace upon any
3 claim which has been placed in his hands for collection, or with respect to the
4 collection of which he has been employed.

Sec. 1579. HEARING AND DETERMINATION OF ACTION OF ATTACHMENT.] Upon
2 the return of any attachment issued by a justice of the peace, if it shall appear
3 that the defendant has been personally served with the same, or if such de-
4 fendant shall appear without such service, the justice shall proceed to hear
5 and determine the action as in cases of proceedings by summons.

Sec. 1580. CONTINUANCE FOR SERVICE OR NOTICE—POSTING NOTICE—FORM.]
2 But if it does not appear that the defendant has been served and no appearance
3 is entered by the defendant, the justice shall continue the action not less than
4 fifteen days and shall immediately prepare a notice, to be posted up at three
5 public places in the neighborhood of the justice, directed to the defendant
6 and stating the fact that an attachment has been issued and at whose instance,
7 the amount claimed to be due and the time and place fixed for the trial, and
8 that, unless the defendant shall appear at the time and place fixed for the
9 trial, judgment will be entered by default and the property attached ordered
10 to be sold to satisfy the same, which notice shall be delivered to the sheriff or
11 constable who shall post three copies of the same at three public places in the
12 neighborhood of the justice at least ten days before the day set for the trial;
13 and, if the place of residence of the defendant is stated in the affidavit for the
14 attachment, shall, at the same time, mail one copy of the notice addressed to
15 such defendant at such place of residence; and on or before that day he shall
16 return the notice delivered to him by the justice, with an endorsement thereon
17 stating the time when and the place where he posted and mailed notices as
18 herein required. The following form of notice shall be deemed sufficient and

19 shall be taken as furnishing suggestions from which other similar notices may
20 be properly framed:

21 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

22	John Doe	}	Attachment. No. 50.
23	v.		
24	Richard Roe and		
25	William Roe.		

26 NOTICE OF ATTACHMENT.

27 To the above named defendants Richard Roe and William Roe:

28 You are hereby notified that an attachment has been issued by me
29 against you in behalf of John Doe for the sum of two hundred dollars (\$200)
30 and that the action will be tried before me at my office at No. 17 Main Street,
31 Joliet, Will county, Illinois, at nine o'clock A. M. on March 10, 1908, and, unless
32 you shall appear at the said time and place, judgment will be entered by default
33 against you and the property attached will be ordered to be sold to satisfy the
34 same.

35 Dated February 24, 1908.

36 HENRY BROWN, J. P. [SEAL.]

Sec. 1581. CONTINUANCE FOR WANT OF NOTICE.] If notice shall not be
2 given according to law or for any other cause, the justice may continue the
3 action from time to time until proper notice shall have been given or the action
4 is ready for trial.

Sec. 1582. HEARING AFTER NOTICE—JUDGMENT—SALE OF PROPERTY.] When
2 notice shall be given of any proceeding by attachment as hereinbefore re-
3 quired, the justice shall, on the day set for the trial of the action, proceed to
4 hear and determine the same as though process had been personally served
5 upon the defendant, and, if the judgment be given against the defendant, the
6 property attached, or so much thereof as will satisfy the judgment and all costs,
7 shall be sold under the execution to be issued upon such judgment.

Sec. 1583. EXCEPTIONS TO BOND.] Exceptions to the bond taken by the justice shall be taken at or before the first hearing of the action after the same shall have been returned to the justice, but the hearing of such exceptions may be adjourned for the purpose of giving notice to the constable or for other good cause.

Sec. 1584. WARRANT ACTION—ARREST OF DEFENDANT WHEN WARRANT RETURN-
ABLE FORTHWITH—TRIAL—RECOGNIZANCE—CASH BAIL—FORMS.] Upon the arrest of the defendant in a quasi criminal action brought by a municipal corporation to recover a fine or penalty for a violation of a municipal ordinance, the officer making the arrest shall, if the warrant be returnable forthwith, bring the defendant immediately before the justice, who shall proceed immediately with the trial of the action in the manner herein provided for the trial of other quasi criminal actions, unless, for good cause shown, the trial shall be postponed. In case the trial be postponed the defendant shall be allowed to enter into a recognizance for his appearance before the justice from time to time until the final determination of the action, or to make a cash deposit in lieu of such recognizance. In case the defendant shall make a cash deposit the justice shall execute and deliver to him a certificate thereof, a duplicate of which shall be executed by the justice and filed with the papers in the action and a minute thereof shall be entered by the justice in his docket. The following forms of recognizance and certificate of deposit provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances and certificates of deposit may be properly framed:

1. RECOGNIZANCE TAKEN BY JUSTICE IN WARRANT ACTION.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

City of Joliet	} Warrant. No. 50.
v.	
Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, a justice of the peace of Will county, Illinois, Richard Roe, as principal, and Thomas Jones, as sur-

ety, and jointly and severally acknowledged themselves to owe and to be indebted unto the city of Joliet in the penal sum of one hundred dollars (\$100) to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the undersigned, justice of the peace as aforesaid, at his office, at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock A. M., on February 24, 1908, and from time to time thereafter to which the trial of the above entitled action may be postponed and until the final judgment is entered by the undersigned justice of the peace in said action, and shall abide the order of the undersigned as justice of the peace, as aforesaid, in all things, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Joliet, Illinois, this 17th day of February, 1908.

RICHARD ROE. [SEAL.]

THOMAS JONES. [SEAL.]

Taken, acknowledged and entered into before me this 17th day of February, 1908.

HENRY BROWN, J. P. [SEAL.]

2. CERTIFICATE OF JUSTICE OF CASH DEPOSIT IN WARRANT ACTION.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

City of Joliet	} Warrant. No. 50.
v.	
Richard Roe.	

CERTIFICATE OF DEPOSIT.

This is to certify that Richard Roe, the defendant in the above entitled action, has this day deposited with the undersigned, a justice of the peace of Will county, Illinois, the sum of fifty dollars (\$50), which deposit is made as secur-

ity that said Richard Roe shall personally be and appear before the undersigned at his office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock A. M., on February 24, 1908, and from time to time thereafter to which the trial of the above entitled action may be postponed and until the final judgment is entered by the undersigned justice of the peace, in said action, and shall abide the order of the undersigned, as justice as aforesaid, in all things.

Dated Joliet, Illinois, February 17, 1908.

HENRY BROWN, J. P. [SEAL.]

Sec. 1585. WARRANT ACTION—ARREST OF DEFENDANT WHEN WARRANT RETURN-
ABLE AT FIXED DATE—TRIAL—RECOGNIZANCE—CASH BAIL—FORMS.] Upon the arrest of the defendant in a quasi criminal action brought by a municipal corporation to recover a fine or penalty for a violation of a municipal ordinance the officer making the arrest shall, if the warrant be not returnable forthwith, permit the defendant to enter into a recognizance for his appearance before the justice at the time fixed in the warrant therefor, and from time to time thereafter to which the trial of the action may be postponed, or to make a cash deposit in lieu of such recognizance. In case the defendant shall make a cash deposit the officer shall execute and deliver to him a certificate thereof, a duplicate of which shall be executed by the officer and delivered to the justice, together with the warrant and the money deposited by the defendant, and the justice shall enter in his docket a minute thereof. The following forms of recognizance and certificate of deposit shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances and certificates of deposit may be properly framed:

1. RECOGNIZANCE TAKEN BY OFFICER IN WARRANT ACTION.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

City of Joliet	} Warrant. No. 50.
v.	
Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, a constable of Will county, Illinois, Richard Roe, as principal, and Thomas Jones, as surety, and jointly and severally acknowledged themselves to owe and to be indebted unto the city of Joliet in the penal sum of one hundred dollars (\$100), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before Henry Brown, Esq., justice of the peace of Will county, Illinois, at his office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock A. M. on February 24, 1908, and from time to time thereafter to which the trial of the above entitled action may be postponed and until the final judgment is entered by said justice of the peace in said action, and shall abide the order of said justice of the peace as aforesaid in all things, then this recognizance is to be void; otherwise the same is to be and remain in full force and virtue.

Witness our hands and seals at Joliet, Illinois, this 17th day of February, 1908.

RICHARD ROE. [SEAL.]

THOMAS JONES. [SEAL.]

Taken, acknowledged and entered into before me this 17th day of February, 1908.

SAMUEL SMITH, *Constable*. [SEAL.]

45 2. CERTIFICATE OF CONSTABLE OF CASH DEPOSIT IN WARRANT ACTION.

46 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

47 City of Joliet }
48 v. } Warrant. No. 50.
49 Richard Roe. }

50 CERTIFICATE OF DEPOSIT.

51 This is to certify that Richard Roe, the defendant in the above entitled ac-
52 tion, has this day deposited with the undersigned, a constable of Will county, Il-
53 linois, the sum of fifty dollars (\$50), which deposit is made as security that said
54 Richard Roe shall personally be and appear before Henry Brown, Esq., Justice
55 of the Peace of Will county, Illinois, at his office at No. 17 Main Street, Joliet,
56 Will county, Illinois, at nine o'clock A. M. on February 24, 1908, and from time
57 to time thereafter to which the trial of the above entitled action may be post-
58 poned and until the final judgment is entered by said justice of the peace in said
59 action, and shall abide the order of the said justice of the peace in all things.

60 Dated Joliet, Illinois, February 17, 1908.

61 SAMUEL SMITH, *Constable.* [SEAL.]

Sec. 1586. FORFEITURE OF RECOGNIZANCE OR CASH DEPOSIT.] Whenever any de-
fendant, after entering into a recognizance or making a cash deposit as afore-
said, shall fail to appear before the justice as specified in the recognizance or
certificate of deposit, or shall otherwise fail to comply with the conditions there-
of, such recognizance or deposit may be declared forfeited by the justice, and, if
a recognizance shall have been entered into, judgment may be entered by the
justice for the amount of such recognizance in favor of the cognizee and against
the cognizers therein named, and the same may be enforced by execution against
the defendant, as judgments in other actions for money, or, if a cash deposit
shall have been made such cash deposit may be applied in the manner hereinafter
provided; but any such judgment upon a recognizance may be set aside by the
justice on application being made therefor by any defendant therein at any time

13 within thirty (30) days after the service upon such defendant of an execution is-
 14 sued upon such judgment, or after the service upon such defendant of a notice
 15 in writing of the entry of such judgment, when it is made to appear to the jus-
 16 tice that there was a reasonable excuse for the non-appearance of the defendant,
 17 and the defendant shall appear and abide the judgment in the action in which
 18 such recognizance was taken. When a cash deposit is forfeited and such forfeit-
 19 ure is not set aside as hereinbefore provided the amount thereof shall be applied
 20 by the justice, so far as the same may be necessary, or so far as the same may
 21 extend, to the satisfaction of whatever judgment may be entered by the justice in
 22 the action in which such deposit has been made and the balance, if any, shall be
 23 returned to the defendant, and the justice, in such case, when the defendant fails
 24 to appear, may enter judgment against him and in favor of the plaintiff for such
 25 sum as the justice may find from the evidence the plaintiff ought to recover, by
 26 way of fine or penalty, for the violation by the defendant of the ordinance of the
 27 plaintiff.

Sec. 1587. RETURN OF CASH DEPOSIT.] When any defendant shall make a cash
 2 deposit in lieu of bail as hereinbefore provided and shall appear before the jus-
 3 tice in accordance with the terms of such deposit, and shall abide by all the terms
 4 thereof the amount thereof shall be returned to the defendant by the justice
 5 at the time of the entry of the final judgment.

Sec. 1588. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, upon
 2 the arrest of the defendant in any quasi criminal action brought by a municipal
 3 corporation to recover a fine or penalty for a violation of a municipal ordi-
 4 nance, it shall be made to appear that the defendant is the head of a family re-
 5 siding with the same in the city, village or incorporated town in which the viola-
 6 tion of the ordinance is alleged to have taken place, and that such defendant is
 7 a poor person who is not able to enter into a recognizance with security, it shall
 8 be the duty of the justice or of the officer, as the case may be, to accept of such

9 defendant, in lieu of bail, his own recognizance, conditioned, as near as may be,
 10 as the recognizance hereinbefore provided for; or when it is made to appear
 11 that the defendant has a known and fixed place of residence in the city, village
 12 or incorporated town in which the violation of the ordinance is alleged to have
 13 taken place and it appears probable to the justice or to the officer making the ar-
 14 rest, as the case may be, that the defendant, if released upon his own recognizance,
 15 will appear at such time or times as may be required by the justice, it shall be the
 16 duty of the justice or officer, as the case may be, to accept of such defendant, in
 17 lieu of bail, his own recognizance, conditioned, as near as may be, as the recog-
 18 nizance hereinbefore provided for. Any defendant who, when released upon his
 19 own recognizance as aforesaid, shall fail to appear before the justice at the time
 20 or times required by such recognizance shall be deemed guilty of a misdemeanor
 21 and upon conviction thereof shall be punished by a fine not exceeding one hun-
 22 dred dollars (\$100) or by imprisonment in the county jail for not exceeding two
 23 months: *Provided, however,* that no defendant shall be punished as aforesaid
 24 when his failure to appear is for a cause which would authorize the court to set
 25 aside a forfeiture of his recognizance. But no defendant shall be released upon
 26 his own recognizance, under this section, when, at the time of his arrest, he shall
 27 be in a state of intoxication, or when his release may, in the judgment of the jus-
 28 tice or officer, result in a breach of the peace.

Sec. 1589. PROCEDURE IN REPLEVIN WHEN PROPERTY HAS NOT BEEN FOUND BY
 2 OFFICER.] When the property specified in the writ of replevin has not been found
 3 by the officer or delivered to the plaintiff and the defendant is served with the
 4 writ or enters his appearance, the plaintiff may proceed with the trial of the ac-
 5 tion and if, upon the trial, he shall establish his right to the property replev-
 6 ied, he shall be entitled to judgment against the defendant for the value there-
 7 of, or of his interest therein, and for such damages as he shall have sustained by
 8 reason of the wrongful taking and detention of the property.

Sec. 1590. KINDS OF JUDGMENTS IN REPLEVIN.] If the plaintiff in an action
 2 of replevin fails to prosecute his action with effect or suffers a non-suit or dis-
 3 continuance, or if the right of property is adjudged against him, judgment shall
 4 be given for the return of the property and damages for the use thereof from
 5 the time it was taken until the return thereof shall be made, unless the plaintiff
 6 shall in the meantime have become entitled to the possession of the property,
 7 when judgment may be given against him for costs and such damages as the de-
 8 fendant shall sustain; or, if the property was held for the payment of any money,
 9 the judgment may be in the alternative that the plaintiff pay the amount for
 10 which the same is rightfully held with proper damages within a given time or
 11 make return of the property.

Sec. 1591. DAMAGES IN REPLEVIN.] If judgment be given for the plaintiff
 2 in an action of replevin he shall recover damages for the detention of the prop-
 3 erty while the same was wrongfully detained by the defendant.

Sec. 1592. HOW DAMAGES IN REPLEVIN ASSESSED.] In either case provided for
 2 in the two preceding sections, if the action be tried by a jury, the damages may
 3 be assessed by such jury, but if the plaintiff make default or the judgment be
 4 given for the defendant without a trial, or if the action be tried by the justice
 5 without a jury, the damages may be assessed by the justice.

Sec. 1593. ACTION ON REPLEVIN BOND.] If, at any time, the conditions of the
 2 bond required by this act to be given by the plaintiff at the time of the com-
 3 mencement of his action of replevin shall be broken, any person having suffered
 4 damages by reason of the breach thereof may, in the name of the People of the
 5 State of Illinois, for his own use, sue and maintain an action on such bond for
 6 the recovery of all such damages and costs as may have been sustained by him
 7 in consequence of the breach of such condition.

Sec. 1594. PROCEDURE IN ACTION ON REPLEVIN BOND WHEN MERITS NOT DETER-

2 MINED.] When the merits of the action of replevin have not been determined
3 upon the trial thereof the defendant in the action upon the replevin bond may
4 set up that fact and his title to the property in dispute in such action of re-
5 plevin.

Sec. 1595. NOTICE IN REPLEVIN TO NON-RESIDENT, ETC.] When it shall appear

2 by affidavit of the plaintiff, his attorney or agent, or by the return of the officer,
3 that any defendant in an action of replevin before a justice of the peace is not a
4 resident of this state, or has departed from this state, or on due inquiry cannot
5 be found, or is concealed within this state so that process cannot be served upon
6 him, notice may be given as provided in this act in case of an attachment and with
7 like effect.

Sec. 1596. TRIAL OF RIGHT OF PROPERTY—WHEN TO BE BROUGHT—REQUISITES OF

2 JUDGMENT.] An action for the trial of the right of property may be instituted
3 before a justice of the peace in every case in which an execution or writ of attach-
4 ment issued by a justice of the peace is levied by any officer upon personal prop-
5 erty within the county in which such action is proposed to be instituted. If, upon
6 the trial of the action, the jury, if the action be tried by jury, or the justice, if
7 the trial be by the justice without a jury, finds that the property in controversy
8 belongs to the plaintiff when the plaintiff is any person other than a defendant
9 in the execution or writ of attachment, or that such property is exempt from
10 such execution or attachment, judgment shall be entered in favor of the plaintiff
11 against the defendants that the plaintiff have and recover from the defendants
12 the possession of the property, together with the costs of the action, such costs
13 to be paid by the plaintiffs in the execution or attachment. If the jury or the jus-
14 tice, as the case may be, finds that the property does not belong to the plaintiff
15 or is not exempt from execution or attachment, as the case may be, judgment
16 shall be entered in favor of the defendants and against the plaintiff for the costs

17 of the action and an order shall be entered that the officer proceed in the man-
 18 ner provided by law to subject the property to the payment of the execution al-
 19 ready issued, or thereafter to be issued, as the case may be.

Sec. 1597. NOTICE TO NON-RESIDENT IN ACTION OF DISTRESS FOR RENT.] When it
 2 shall appear by affidavit filed before the justice of the peace before whom an ac-
 3 tion of distress for rent is pending that the defendant is a non-resident, or has
 4 departed from this state, or on due inquiry cannot be found, or is concealed with-
 5 in this state, and the affiant shall state the place of residence of such defendant,
 6 if known, or, if not known, that upon diligent inquiry he has not been able to
 7 ascertain the same, notice may be given as in an attachment action before a jus-
 8 tice of the peace.

Sec. 1598. PROCEEDINGS IN DISTRESS FOR RENT.] After the commencement of
 2 an action of distress for rent before a justice of the peace, it shall proceed in the
 3 same manner, as near as may be, as a case of attachment before such justice, ex-
 4 cepting as may be herein otherwise expressly provided. The defendant may avail
 5 himself of any set-off or other defense which would have been proper if the ac-
 6 tion had been any form of action for rent and with like effect. If the plaintiff
 7 succeeds in his action judgment shall be given in his favor for the amount which
 8 shall appear to be due him. When the defendant has been served with the sum-
 9 mons or appears in the action, the judgment shall have the same force and effect
 10 as in an action in which a summons has been served upon the defendant and exe-
 11 cution may issue thereon not only against the property distrained but also
 12 against the other property of the defendant; but the property distrained, if
 13 the same has not been replevied or released from seizure, shall be first sold.
 14 When publication of notice shall have been made as provided in this act, but the
 15 defendant is not served with process and does not appear, judgment by default
 16 may be entered and the plaintiff may recover the amount due him for rent at
 17 the time of issuing the distress warrant and a special execution shall issue

18 against the property distrained, but no execution shall issue against any other
 19 property of the defendant. If the judgment is in favor of the defendant he shall
 20 recover costs and have judgment for the return of the property distrained, unless
 21 the same has been replevied or released from such distress. And if a set-off is
 22 interposed and it appears that a balance is due from the plaintiff to the defend-
 23 ant, judgment shall be rendered for the defendant for the amount thereof.

Sec. 1599. RELEASE OF PROPERTY DISTRAINED--BOND.] When any distress
 2 warrant has been levied the person whose property is distrained may release the
 3 same by entering into bond, in double the amount of the rent claimed, payable
 4 to the landlord, with sufficient sureties to be approved by the person making the
 5 levy, if the bond is tendered before the filing of a copy of the warrant as pro-
 6 vided in this act, or, if after, by the justice of the peace before whom the action
 7 is pending, conditioned to pay whatever judgment the landlord may recover in
 8 the action, with costs of the action. If the bond is taken before the filing of a
 9 copy of the distress warrant such bond shall be filed therewith, and if taken
 10 after the filing of a copy of the distress warrant, it shall be filed with the jus-
 11 tice of the peace before whom the action is pending.

Sec. 1600. PERISHABLE PROPERTY LEVIED UPON BY DISTRESS WARRANT.] If any
 2 property distrained is of a perishable nature and in danger of immediate waste
 3 or decay, and the same is not replevied or bonded, the landlord, or his agent or
 4 attorney, may, upon giving notice to the defendant or his attorney, if either can
 5 be found in the county, or, if neither can be found, without any notice, apply to
 6 the justice of the peace before whom the action is pending, describing the prop-
 7 erty and showing that the same is so in danger, and if such justice of the peace
 8 is satisfied that the property is of a perishable nature and in danger of imme-
 9 diate waste or decay, and if the defendant or his attorney is not served with no-
 10 tice, or does not appear, that he cannot be found in the county, he may issue an
 11 order to the person having possession of the property directing the sale thereof

12 upon such time and such notice, terms and conditions as the justice of the peace
 13 shall think to the best interest of the parties concerned. Money arising from such
 14 sale shall be deposited with the justice of the peace before whom the action is
 15 pending, there to abide the event of the action.

Sec. 1601. **FORCIBLE DETAINER—WHEN MAINTAINABLE—PROCEDURE.**] An ac-
 2 tion of forcible detainer may be maintained before a justice of the peace in any
 3 case in which a similar action is authorized by law to be commenced in a court
 4 of record, and in every such action the plaintiff may join, with his claim for pos-
 5 session of the premises, a claim for rent or damages, not exceeding two hundred
 6 dollars (\$200), for the withholding of such possession. Excepting as may be
 7 otherwise prescribed by this act, the procedure in an action of forcible de-
 8 tainer shall be the same, as near as may be, as in other actions prosecuted before
 9 justices of the peace.

Sec. 1602. **JUDGMENT IN FORCIBLE DETAINER.**] If, in an action of forcible de-
 2 tainer, it shall appear on the trial that the plaintiff is entitled to the possession
 3 of the whole of the premises claimed, he shall have judgment for the possession
 4 thereof and for his costs, but if it shall appear that he is entitled to the posses-
 5 sion of only a part of the premises claimed the judgment shall be in his favor
 6 for that part only and for costs and for the residue judgment shall be in favor
 7 of the defendant; or, if the plaintiff is non-suited, or it appears that the plaintiff
 8 is not entitled to possession of any portion of the premises claimed, judgment
 9 shall be in favor of the defendant for costs. In an action in which the plaintiff
 10 also claims rent or damages, if he shall be found entitled thereto, he shall have
 11 judgment for the amount to which he is found entitled, but if he is found not en-
 12 titled to rent or damages, judgment shall be given in favor of the defendant as
 13 to such claim for rent or damages.

Sec. 1603. **SEVERAL TENANTS.**] Whenever there shall have been one lease for
 2 the whole of certain premises and the possession thereof at the commencement

3 of the action of forcible detainer shall be divided in severalty among persons
 4 with, or other than, the lessee in one or more portions or parcels separately or
 5 severally held or occupied, all or so many of such persons, with the lessee, as the
 6 plaintiff may elect, may be joined as defendants in one action and the recovery
 7 against them with costs shall be several according as their actual holdings shall
 8 respectively be found to be.

Sec. 1604. DISMISSAL AS TO PART—JUDGMENT AS TO PART.] The plaintiff may
 2 at any time dismiss his action as to any one or more of the defendants, and the
 3 jury or court may find any one or more of the defendants guilty and the others
 4 not guilty, and the court shall thereupon render judgment according to such
 5 finding.

Sec. 1605. WRIT OF RESTITUTION IN FORCIBLE DETAINER.] A writ of restitu-
 2 tion in any action of forcible detainer may be issued in any case after the ex-
 3 piration of five days after the entry of judgment, but not prior thereto.

Sec. 1606. EXECUTION FOR PLAINTIFF ON JUDGMENT FOR MONEY—FORMS.] A
 2 judgment of a justice of the peace in favor of the plaintiff for the payment of
 3 money other than one against a municipal corporation or an executor, admin-
 4 istrator, guardian, conservator, receiver or other person acting merely in a rep-
 5 resentative capacity, or one rendered in a criminal action, or in a quasi criminal
 6 action brought by a municipal corporation for the recovery of a fine or penalty
 7 for the violation of a municipal ordinance, may be enforced by execution as fol-
 8 lows:

9 *First*—DEFENDANT PERSONALLY SERVED OR APPEARING.] In an action in which
 10 the defendant has been duly served with the summons or writ or has entered his
 11 appearance and in which no writ of attachment or distress warrant has been
 12 levied, or in which, if such writ of attachment or distress warrant has been levied,
 13 such writ of attachment or distress warrant has been quashed or the levy dis-

14 charged, may be enforced by general execution against the goods and chattels
 15 of the defendant, which execution may be in substantially the following form:

16 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

17 John Doe
 18 v.
 19 Richard Roe. } Action for money. No. 25.

20 GENERAL EXECUTION.

21 The People of the State of Illinois—GREETING to the sheriff and all constables of
 22 Will county:

23 We command you that of the goods and chattels of Richard Roe in your
 24 county you cause to be made the sum of two hundred dollars (\$200) which John
 25 Doe, as plaintiff, recovered against Richard Roe, as defendant, on the 12th day
 26 of February, 1908, in the above entitled action before me, and also the further
 27 sum of four dollars and fifty cents (\$4.50) which was adjudged to the said plain-
 28 tiff as costs, and pay over the same to the said plaintiff, John Doe.

29 Witness my hand and seal this first day of March, 1908.

30 HENRY BROWN, J. P. [SEAL.]

31 *Second*—DEFENDANT PERSONALLY SERVED OR APPEARING IN ATTACHMENT OR DIS-
 32 TRESS FOR RENT LEVIED UNDER, ETC.] In an action in which the defendant has been
 33 duly served with the summons or writ, or has entered an appearance, and in
 34 which a writ of attachment or distress warrant has been levied and such writ of
 35 attachment or distress warrant has not been quashed or the levy discharged, the
 36 judgment may be enforced by a general execution against the goods and chattels
 37 of the defendant, coupled with a special execution against the property levied
 38 upon under the writ of attachment or distress warrant, which execution may be
 39 in substantially the following form:

40 BEFORE HENRY BROWN, Esq., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

41 John Doe
 v.
 42 Richard Roe. } Attachment. No. 30.

43 GENERAL AND SPECIAL EXECUTION.

44 The People of the State of Illinois—GREETING to the sheriff and all constables of
 45 Will county:

46 We command you that of the goods and chattels levied upon under the writ of
 47 attachment in the above entitled action, to-wit: (here describe goods and chattels
 48 levied upon) as well as from the other goods and chattels of the defendant, Rich-
 49 ard Roe, in your county you cause to be made the sum of two hundred dollars
 50 (\$200), which John Doe, as plaintiff, recovered against said Richard Roe, as de-
 51 fendant, on the 12th day of February, 1908, in the above entitled action before me,
 52 and also the further sum of four dollars and fifty cents (\$4.50) which was adjudged
 53 to said plaintiff as costs and pay over the same to the said plaintiff, John Doe.

54 Witness my hand and seal this first day of March, 1908.

55 HENRY BROWN, J. P. [SEAL.]

56 NOTE.

57 If the execution be issued in an action of distress for rent, the above form
 58 may be varied from by changing the classification of the action accordingly and
 59 by substituting "distress warrant" for "writ of attachment."

60 *Third*—NOTICE BY PUBLICATION WITHOUT APPEARANCE, BUT WITH LEVY, ETC.]

61 In an action in which the defendant has been notified by publication of notice
 62 only and has not entered an appearance, and in which a writ of attachment or
 63 distress warrant has been levied upon property of the defendant, and such writ of
 64 attachment or distress warrant has not been quashed or the levy discharged, the
 65 judgment may be enforced by a special execution against the property levied
 66 upon, which special execution may be in substantially the following form:

67 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

68 John Doe
69 v.
70 Richard Roe. } Attachment. No. 35.

71 SPECIAL EXECUTION.

72 The People of the State of Illinois—GREETING to the sheriff and all constables of

73 Will county:

74 We command you that of the goods and chattels levied upon under the writ
75 of attachment in the above entitled action, to-wit: (here describe goods and chat-
76 tels levied upon) you cause to be made the sum of two hundred dollars (\$200),
77 which John Doe, as plaintiff, recovered against said Richard Roe, as defendant,
78 on the 12th day of February, 1908, in the above entitled action before me, and
79 also the further sum of four dollars and fifty cents (\$4.50), which was adjudged
80 to said plaintiff as costs and pay over the same to the said plaintiff, John Doe.

81 Witness my hand and seal this first day of March, 1908.

82 HENRY BROWN, *J. P.* [SEAL.]

83 NOTE.

84 If the execution be issued in an action of distress for rent, the above form
85 may be varied from by changing the classification of the action accordingly and
86 by substituting "distress warrant" for "writ of attachment."

87 *Fourth*—NOTICE BY PUBLICATION WITHOUT APPEARANCE OR LEVY, ETC.] In an
88 action in which the defendant has been notified by publication of notice only and
89 has not entered an appearance, and in which no writ of attachment or distress
90 warrant has been levied, or in which, if such writ of attachment or distress
91 warrant has been levied, such writ of attachment or distress warrant has been
92 quashed or the levy discharged, the judgment in favor of the plaintiff, if one
93 be entered, shall be deemed a nullity and shall be without any force or effect.

Sec. 1607. EXECUTION IN QUASI CRIMINAL ACTION BROUGHT FOR VIOLATION OF
2 MUNICIPAL ORDINANCE.] A judgment of a justice of the peace in favor of the
3 plaintiff in a quasi criminal action brought by a municipal corporation to re-
4 cover a fine or penalty for the violation of a municipal ordinance may be en-
5 forced by the confinement of the defendant in the county jail until the judgment
6 is paid or otherwise satisfied or until the defendant is discharged in accordance
7 with law, or by the confinement of the defendant in a house of correction or work
8 house until the fine and costs are paid or worked out by the defendant, or until
9 the defendant is discharged in accordance with law, and every such judgment
10 shall specify the manner in which the same is to be enforced. For the purpose
11 of enforcing such judgment the justice shall deliver to the sheriff, or to some
12 constable of the county, a certified transcript of the entries upon his docket in
13 the action specifying in such certificate that such transcript is delivered to the
14 officer for the execution of the judgment, and the sheriff or constable, as the case
15 may be, shall convey the defendant to the county jail, house of correction or
16 work house, as the case may be, and there deliver him to the keeper thereof, to-
17 gether with such certified transcript, and such keeper shall execute and deliver
18 to the sheriff or constable a receipt for the defendant and shall receive the de-
19 fendant and confine him in such county jail, house of correction or work house
20 until the fine and costs are paid, if the confinement be in the county jail, or until
21 the fine and costs are paid or worked out by the defendant, if the confinement
22 be in a house of correction or work house, or until the defendant is discharged in
23 accordance with law. The following forms of certificate and receipt provided
24 for in this section shall be deemed sufficient and shall be taken as suggestions
25 from which other certificates and receipts may be properly framed:

26 1. CERTIFICATE.

27 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

28 The City of Joliet }
 29 v. } Warrant. No. 40.
 30 Richard Roe. }

31 CERTIFICATE.

32 I, Henry Brown, justice of the peace of Will county, Illinois, do hereby cer-
 33 tify that the foregoing is a true copy of the entries in my docket in the above
 34 entitled action and that the same is delivered to Henry Jones, constable of Will
 35 county, Illinois, for the execution of the judgment in said action.

36 Witness my hand and seal this 12th day of February, 1908.

37 HENRY BROWN, J. P. [SEAL.]

38 2. RECEIPT.

39 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

40 The City of Joliet }
 41 v. } Warrant. No. 40.
 42 Richard Roe. }

42 RECEIPT.

43 Received from Henry Jones, constable of Will county, Illinois, the body of
 44 Richard Roe, the defendant in the above entitled action, to be by me confined in
 45 the county jail of Will county (or in the house of correction or work house of
 46 the city of Joliet, as the case may be) in accordance with the judgment entered
 47 February 12, 1908, in the above entitled action.

48 Dated at Joliet, Illinois, February 12, 1908.

49 WILLIAM THOMAS, *Jailer*.

Sec. 1608. EXECUTION FOR DEFENDANT IN REPLEVIN—FORM.] A judgment in
 2 favor of the defendant in an action of replevin awarding him a return of the
 3 property replevied may be enforced by the writ of retorno habendo, which may
 4 be in substantially the following form:

5 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

6 John Doe
7 v.
8 Richard Roe. } Replevin. No. 25.

9 RETORNO HABENDO.

10 The People of the State of Illinois—GREETING to the sheriff and all constables of
11 Will county:

12 We command you that you, without delay, cause to be returned to Richard
13 Roe, the defendant in the above entitled action, the following goods and chat-
14 tels, the return whereof was awarded to said defendant, Richard Roe, against
15 the said plaintiff, John Doe, by the judgment entered by me in said action on
16 the 12th day of February, 1908, to-wit:

17 (Here describe goods and chattels.)

18 We also command you that of the goods and chattels of said plaintiff, John
19 Doe, in your county, you cause to be made the sum of four dollars and fifty cents
20 (\$4.50), which said Richard Roe, as defendant, recovered against said John Doe,
21 as plaintiff, on the 12th day of February, 1908, in the above entitled action before
22 me, and pay over the same to the said defendant, Richard Roe.

23 Witness my hand and seal this first day of March, 1908.

24 HENRY BROWN, J. P. [SEAL.]

Sec. 1609. EXECUTION IN TRIAL OF RIGHT OF PROPERTY—FORM.] A judgment
2 in favor of the plaintiff in an action for the trial of the right of property may be
3 enforced by a writ of possession, which may be in substantially the following
4 form:

5 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

6 John Doe
7 v.
8 Richard Roe, et al. } Trial of Right of Property. No. 20.

8 WRIT OF POSSESSION.

9 The People of the State of Illinois—GREETING to the sheriff and all constables of
10 Will county:

11 We command you that you, without delay, take the following goods and
 12 chattels which John Doe, as plaintiff, recovered against Richard Roe and Thomas
 13 Jones, as defendants, on the 12th day of February, 1908, in the above entitled
 14 action before me, and cause the same to be delivered to said plaintiff, to-wit:

15 (Here describe goods and chattels.)

16 We also command you that of the goods and chattels of the defendant Rich-
 17 ard Roe in your county you cause to be made the sum of four dollars and fifty
 18 cents (\$4.50) which John Doe, as plaintiff, recovered against said Richard Roe,
 19 as defendant, on the 12th day of February, 1908, in the above entitled action
 20 before me, which was adjudged to the said plaintiff as costs, and pay over the
 21 same to the said plaintiff, John Doe.

22 Witness my hand and seal this first day of March, 1908.

23 HENRY BROWN, J. P. [SEAL.]

Sec. 1610. EXECUTION FOR POSSESSION IN FORCIBLE DETAINER—FORM.] A judg-
 2 ment in favor of a plaintiff in an action of forcible detainer, when there is no
 3 judgment for rent or damages, may be enforced by writ of possession, which
 4 writ may be in substantially the following form:

5 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

6 John Doe
 7 v.
 8 Richard Roe. } Forcible Detainer. No. 30.

9 WRIT OF POSSESSION.

10 The People of the State of Illinois—GREETING to the sheriff and all constables of
 11 Will county:

12 We command you that you dispossess Richard Roe, the defendant in the
 13 above entitled action, and restore the plaintiff, John Doe, to the possession of
 14 the premises recovered by said John Doe, as plaintiff, against said Richard Roe,
 15 as defendant, on the 12th day of February, 1908, in the above entitled action be-
 16 fore me, which premises are described as follows:

17 (Here describe premises.)

18 We also command you that of the goods and chattels of said defendant,
 19 Richard Roe, in your county you cause to be made the sum of four dollars and
 20 fifty cents (\$4.50) which John Doe as plaintiff recovered against said Richard
 21 Roe, as defendant, on the 12th day of February, 1908, in the above entitled ac-
 22 tion before me, which was adjudged to the said plaintiff as his costs, and pay
 23 over the same to the said plaintiff, John Doe.

24 Witness my hand and seal this 12th day of March, 1908.

25 HENRY BROWN, J. P. [SEAL.]

Sec. 1611. EXECUTION FOR POSSESSION AND RENT IN FORCIBLE DETAINER—FORM.]

2 A judgment in favor of the plaintiff in an action of forcible detainer both for
 3 possession of the property and rent may be in substantially the following form:

4 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

5 John Doe	} Forcible Detainer. No. 30.
6 v.	
7 Richard Roe.	

8 WRIT OF POSSESSION AND EXECUTION.

9 The People of the State of Illinois—GREETING to the sheriff and all constables of
 11 Will county:

11 We command you that you dispossess Richard Roe, the defendant in the
 12 above entitled action, and restore the plaintiff, John Doe, to the possession of
 13 the premises recovered by said John Doe, as plaintiff, against said Richard Roe,
 14 as defendant, on the 12th day of February, 1908, in the above entitled action be-
 15 fore me, which premises are described as follows:

16 (Here describe premises.)

17 We also command you that of the goods and chattels of said defendant,
 18 Richard Roe, in your county you cause to be made the sum of two hundred dol-

19 lars (\$200), which said John Doe, as plaintiff, recovered against said Richard
 20 Roe, as defendant, on said 12th day of February, 1908, in the above entitled ac-
 21 tion before me, as rent, and also the further sum of four dollars and fifty cents
 22 (\$4.50), which was adjudged to said plaintiff as costs and pay over the same to
 23 the said plaintiff, John Doe.

24 Witness my hand and seal this 12th day of March, 1908.

25 HENRY BROWN, J. P. [SEAL.]

Sec. 1612. ENFORCEMENT OF JUDGMENT FOR MONEY AGAINST MUNICIPAL COR-
 2 PORATION.] A judgment against a municipal corporation for the payment of
 3 money shall be paid by such municipal corporation in the manner provided by
 4 law, and, when not so paid, a transcript thereof may be filed in the circuit
 5 court of the county in which the judgment is rendered and such circuit court
 6 may, on the application of the party in whose favor the same is rendered, and
 7 upon notice to such municipal corporation, enter such order as may be necessary
 8 to compel the proper performance by the officers of such municipal corporation
 9 of their duties with respect to such payment.

Sec. 1613. ENFORCEMENT OF JUDGMENT FOR MONEY AGAINST EXECUTOR, ETC.] A
 2 judgment against an executor, administrator, guardian, conservator, receiver or
 3 other person acting merely in a representative capacity for the payment of
 4 money, shall be paid in due course of administration in the manner provided by
 5 law and such payment shall be enforced by the court having jurisdiction over
 6 the settlement of the accounts of such executor or other person acting in a repre-
 7 sentative capacity.

Sec. 1614. EXECUTION ON JUDGMENT FOR DEFENDANT.] A judgment in favor
 2 of a defendant, or an intervener, for the recovery of money or of the posses-
 3 sion of personal property may be enforced by an execution or writ similar, as

4 near as may be, to that hereinbefore prescribed for a similar judgment in favor
5 of a plaintiff.

Sec. 1615. LIEN OF EXECUTION AND JUDGMENT.] The personal property of
2 every defendant in a judgment for money before a justice of the peace, not ex-
3 empt from execution, shall be bound for the payment of such judgment from the
4 delivery of the execution issued thereon to the proper officer; and the real prop-
5 erty of such defendant, not exempt from execution, shall be bound as aforesaid
6 from the date of the filing of a transcript of the judgment in the office of the
7 clerk of the circuit court as provided in this act, to the same extent and upon
8 like conditions as a judgment entered in a circuit court.

Sec. 1616. INDORSEMENT—LEVY—SALE—NOTICE.] Every constable to whom
2 an execution shall be delivered, shall indorse on the same an exact memorandum
3 of the day and hour when the same shall have come to his hands, and shall imme-
4 diately proceed to levy the same, indorsing also on the execution the date of
5 such levy, and make an exact inventory of the property on which the same shall
6 have been levied; and shall appoint a day and hour for the sale of said prop-
7 erty, giving ten days' previous notice of such sale, by advertisement in writing
8 to be posted up at three public places of the vicinity where the same is to be
9 made; and on the day so appointed the said constable shall sell the property so
10 levied on, or so much thereof as may be necessary to pay the judgment, interest
11 and costs, to the highest bidder.

Sec. 1617. DELIVERY BOND—PROCEEDINGS THEREON—FORM.] The officer levy-
2 ing upon any property under an execution shall be authorized to remove the same
3 when it shall be necessary for its safe keeping. If the defendant shall desire to
4 retain the property so levied on until the day of sale, it shall be lawful for the
5 said officer to allow the defendant so to keep the same, if said defendant or his

6 agent shall give bond to said officer in double the amount of the execution with
 7 good security, conditioned for the delivery of said property to the same officer
 8 at the time and place of sale to be named in such bond. And if the said property
 9 shall not be delivered as aforesaid at the time and place of sale, the officer hav-
 10 ing the execution may proceed to levy the same upon the same or any other
 11 goods and chattels of the defendant, or upon the goods and chattels of the secur-
 12 ity in such bond, and shall sell the same giving two days' notice of such sale by
 13 advertisement, to be posted at one public place. The bond in this section provided
 14 for may be in substantially the following form:

15 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

16	John Doe	} Action for Money. No. 25.
17	v.	
18	Richard Roe.	

19 DELIVERY BOND.

20 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and
 21 Henry Roe, as surety, are held and firmly bound unto the People of the State of
 22 Illinois in the penal sum of three hundred dollars (\$300) for the payment of
 23 which well and truly to be made we bind ourselves, our heirs, executors, admin-
 24 istrators and assigns, jointly and severally, firmly by these presents.

25 Witness our hands and seals this first day of March, 1908.

26 The condition of this obligation is such that whereas on the first day of
 27 March, 1908, a certain writ of execution was issued by Henry Brown, Esq., a
 28 justice of the peace of Will county, Illinois, upon the application of John Doe,
 29 plaintiff, against the estate of the above bounden Richard Roe, defendant, di-
 30 rected to the sheriff and all constables of Will county, Illinois, to execute, by vir-
 31 tue of which said writ John Brown, a constable of said Will county, has levied
 32 upon the following described property, to-wit:

33 (Here describe property levied upon under the execution.)

34 And whereas the said Richard Roe, in whose possession the said property
 35 was found, is desirous of retaining the custody thereof according to the provi-
 36 sions of the statute:

37 Now, if the said defendant, Richard Roe, shall deliver the said property un-
 38 injured to said constable, John Brown, at two o'clock in the afternoon on the
 39 15th day of March, 1908, at No. 25 Green Street, in the city of Joliet, in said Will
 40 county, and shall not in the meantime dispose of or injure the said property or
 41 any part thereof nor suffer nor permit the same to be disposed of or injured or
 42 diminished in value, then this obligation is to be void; otherwise the same is to
 43 be and remain in full force and effect.

44 RICHARD ROE [SEAL.]

45 HENRY ROE [SEAL.]

46 Approved March 1, 1908.

47 JOHN BROWN, *Constable*.

Sec. 1618. WHEN EXECUTION RETURNABLE.] Every execution shall be re-
 2 turned by the officer to whom it is delivered within seventy days after the date
 3 thereof: *Provided, however,* that when property is levied upon under such exe-
 4 cution the same need not be returned until the lapse of such length of time as
 5 may be necessary to complete the sale of the property levied upon.

Sec. 1619. PAYING MONEY.] On the return of any execution the officer shall
 2 pay to the justice of the peace who issued the same all money collected thereon
 3 not previously paid to the plaintiff, including unpaid costs.

Sec. 1620. EXECUTION TO ANOTHER COUNTY.] When it shall appear by the
 2 return of any execution issued as aforesaid that the defendant has not personal
 3 property within the county sufficient to satisfy the judgment, and it is desired by
 4 the plaintiff to have execution issued to some other county in which it is alleged
 5 that the defendant has personal property, the justice shall issue execution di-
 6 rected to the sheriff or any constable of the county where such property shall
 7 be said to be, to which execution shall be attached an official certificate of the
 8 county clerk of the county in which the same shall be issued setting forth that

9 such justice was, at the time of issuing said execution, a justice of the peace in
10 and for said county.

Sec. 1621. WHEN EXECUTION MAY ISSUE.] No execution shall be issued by a
2 justice of the peace in any action for money, distress for rent action, attachment
3 action, replevin action, or trial of right of property action, until after the expira-
4 tion of twenty days from the date of the judgment on which such execution is
5 to be issued, unless the party applying for the same, his agent or attorney, shall
6 make oath that he believes the benefit of the judgment will be lost unless execu-
7 tion be issued forthwith. But no sale of any property under such execution shall
8 take place within twenty days from the date of the judgment, nor shall the is-
9 suing of such execution deprive either party of the right to appeal.

Sec. 1622. DUTY OF OFFICERS.] When any execution shall issue to another
2 county, as provided in the preceding section, it shall be the duty of the officer re-
3 ceiving the same to proceed to the collection of the same and make return as in
4 other cases.

Sec. 1623. EXECUTION TO ISSUE WITHIN SEVEN YEARS.] Execution shall be al-
2 lowed to issue upon a judgment of a justice of the peace at any time within seven
3 years next after the rendition thereof and not afterwards.

Sec. 1624. ACTION ON JUDGMENT.] An action may be brought upon a judg-
2 ment of a justice of the peace at any time within ten years next after the rendi-
3 tion thereof and not afterwards. No such action shall be brought upon said
4 judgment in a court of like jurisdiction within the same county where such judg-
5 ment may be rendered until the expiration of seven years next after its rendi-
6 tion.

Sec. 1625. STATUTE NOT TO RUN PENDING APPEAL.] The time during which
2 any judgment of a justice of the peace may be in another court on appeal shall
3 not be counted as a part of the time mentioned in the two preceding sections.

Sec. 1626. **TRANSCRIPT—CERTIFICATE TO CIRCUIT COURT.]** When an execution
 2 issued upon a judgment of a justice of the peace is returned unsatisfied, in whole
 3 or in part, and it is desired by the plaintiff to have the same levied on real prop-
 4 erty in the county in which the same is rendered, or in any other county, it shall
 5 be lawful for the justice to certify to the clerk of the circuit court of the county
 6 where such judgment was rendered a transcript, which shall thenceforward
 7 have the effect of a judgment of such court and execution shall issue thereon out
 8 of that court as in other cases.

Sec. 1627. **SUPPLEMENTARY PROCEEDING.]** Any judgment heretofore or here-
 2 after rendered by any justice of the peace, when the amount due thereon, exclu-
 3 sive of interest and costs, exceeds twenty-five dollars (\$25) and when an execu-
 4 tion has been issued thereon and returned unsatisfied, may be enforced by sup-
 5 plementary proceedings in any court of record of original jurisdiction in the
 6 manner hereinbefore provided.

Sec. 1628. **WHAT TRANSCRIPT TO CONTAIN—FORM OF CERTIFICATE.]** Every
 2 transcript desired to be used for the purposes mentioned in the two preceding
 3 sections shall contain all the entries in the docket of the justice in the action and
 4 shall be certified by the justice of the peace making the same to be truly copied
 5 from his docket. Such certificate may be in substantially the following form:

6 I, Henry Brown, a justice of the peace of Will county, Illinois, do hereby
 7 certify that the foregoing is a true copy from my docket of the proceedings in
 8 the case of John Doe v. Richard Roe, Action for Money, No. 25.

9 Witness my hand and seal this first day of March, 1908.

10 HENRY BROWN, J. P. [SEAL.]

DIVISION LXIII.

PRACTICE BEFORE JUSTICES OF THE PEACE IN PEACE PROCEEDINGS.

SECTION

1629. Complaint—requisites—form.
 1630. Warrant—form.
 1631. Arrest of defendant—hearing—order—recognizance.
 1632. Discharge or commitment of defendant.
 1633. Costs of prosecution.

SECTION

1634. Appeal—recognizance—form.
 1635. Defendant committed discharged when.
 1636. Sureties may surrender principal.
 1637. Person surrendering may recognize anew.
 1638. No dismissal for informality.

Sec. 1629. COMPLAINT—REQUISITES—FORM.] When any person shall com-

plain to a justice of the peace that a person has threatened or is about to commit
 an offense against the person or property of another, such complaint shall be
 reduced to writing and shall be subscribed and sworn to by the person complain-
 ing. Such complaint shall contain a concise statement of the offense alleged to
 be threatened or to be about to be committed, the name of the person alleged to
 have threatened or to be about to commit the offense, and that the complainant
 has just and reasonable grounds to believe that such person is about to commit
 such offense. The following form of complaint shall be deemed sufficient and
 shall be taken as furnishing suggestions from which other complaints may be
 properly framed:

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

13	The People of the	} Peace Proceeding. No. 25.
14	State of Illinois.	
15	v.	
16	Richard Roe.	

COMPLAINT.

John Doe, who prosecutes in this behalf in the name and by the authority of
 the People of the State of Illinois, on his oath complains and says, that on the
 first day of January, 1908, at Joliet, in said county of Will, Richard Roe did un-
 lawfully threaten that he, the said Richard Roe, would kill and murder him, the

22 said John Doe, against the peace and dignity of the same People of the State of
23 Illinois.

JOHN DOE.

24 Subscribed and sworn to before me this 10th day of January, 1908.

25 HENRY BROWN,

26 *Justice of the Peace.*

Sec. 1630. WARRANT—FORM.] If, from the said complaint and from such
2 evidence as may be produced before the justice in support of the same, the jus-
3 tice is satisfied that there is danger that such offense will be committed, the
4 justice shall file the complaint and enter the action in his docket under the title
5 of the People of the State of Illinois against the person accused, and shall issue
6 a warrant directed to the sheriff and all constables of the county requiring them
7 to forthwith apprehend the person complained of and bring him before the jus-
8 tice, which warrant may be in substantially the following form:

9 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

10	The People of the	} Peace Proceeding. No. 25.
11	State of Illinois	
12	v.	
13	Richard Roe.	

14 WARRANT.

15 The People of the State of Illinois—GREETING to the sheriff and all constables of
16 Will county:

17 We command you that you take Richard Roe and him safely keep so that
18 you have his body instanter before me at my office at No. 17 Main Street, in
19 Joliet, Will county, Illinois, to answer to the People of the State of Illinois for
20 having threatened to kill and murder one John Doe with which the said Richard
21 Roe stands charged before me as by a certain complaint on oath preferred
22 against him in that behalf appears and to be dealt with according to law.

23 Witness my hand and seal this 10th day of January, 1908.

24 HENRY BROWN [SEAL.]

25 *Justice of the Peace.*

Sec. 1631. ARREST OF DEFENDANT — HEARING — ORDER — RECOGNIZANCE — FORM.]

2 The officer to whom the warrant is delivered shall execute the same, when prac-
 3 ticable, by arresting the defendant and bringing him before the justice. When
 4 the defendant is brought before the justice, if the charge is controverted, the
 5 testimony of both sides shall be heard. If it shall appear to the justice that
 6 there is no just reason to fear the commission of the offense the defendant shall
 7 be discharged; and if the justice be of the opinion that the prosecution was
 8 commenced maliciously without proper cause, the justice may give judgment
 9 against the complainant for the costs of the prosecution. If, however, there is
 10 just reason to fear the commission of such offense the defendant shall be re-
 11 quired to give a recognizance with sufficient security, in such sum as the justice
 12 may direct, to keep the peace towards all the People of this State, and especially
 13 towards the person against whom or whose property there is just reason to fear
 14 the offense may be committed, for such time, not exceeding twelve months, as the
 15 justice may order. Such recognizance may be in substantially the following
 16 form, to-wit:

17 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

18	The People of the	} Peace Proceeding. No. 25.
19	State of Illinois	
20	v.	
21	Richard Roe.	

22 RECOGNIZANCE TO KEEP THE PEACE.

23 This day personally appeared before the undersigned, a justice of the peace
 24 of Will county, Illinois, Richard Roe, as principal, and William Roe and
 25 William Smith, as sureties, and jointly and severally acknowledged themselves
 26 to owe and to be indebted unto the People of the State of Illinois in the penal
 27 sum of five hundred dollars (\$500) to be levied of their goods and chattels,
 28 lands and tenements, respectively, in such manner as the law directs.

29 The condition of this recognizance is such that if the above bounden Richard
 30 Roe shall keep the peace towards all the People of this State, and especially

31 towards John Doe of said Will county, for six months from the 12th day of
 32 January, 1908, then this recognizance is to be void; otherwise the same is to be
 33 and remain in full force and effect.

34 Witness our hands and seals at Joliet, Illinois, this 12th day of January,
 35 1908. RICHARD ROE, [SEAL.]

36 WILLIAM ROE, [SEAL.]

37 WILLIAM SMITH, [SEAL.]

38 Taken, acknowledged and entered into before me this 12th day of January,
 39 1908. HENRY BROWN, *J. P.*

Sec. 1632. DISCHARGE OR COMMITMENT OF DEFENDANT.] If the person so
 2 ordered to recognize complies with the order he shall be discharged, but if he
 3 refuses or neglects the justice shall commit him to jail during the period for
 4 which he was required to give security or until he so recognizes, stating in the
 5 warrant the cause of the commitment, with the sum and time for which the
 6 security was required.

Sec. 1633. COSTS OF PROSECUTION.] When a person is required to give
 2 security to keep the peace or for his good behavior the justice may further
 3 order that the costs of prosecution, or any part thereof, shall be paid by such
 4 person, who shall stand committed until the costs are paid or he is otherwise
 5 legally discharged.

Sec. 1634. APPEAL—RECOGNIZANCE—FORM.] Whoever is aggrieved by the
 2 order of the justice requiring him to recognize as aforesaid may, on giving the
 3 security required, prosecute an appeal from such order to the circuit court of
 4 the same county, or, in Cook county, to the criminal court of Cook county.
 5 Such recognizance shall also contain a condition that the person appealing shall
 6 pay the costs of the appeal, in case the order is affirmed or the appeal is dis-
 7 missed, and the same may be in substantially the following form:

8 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

9 The People of the }
 10 State of Illinois } Peace Proceeding. No. 25.
 11 v.
 12 Richard Roe.

13 RECOGNIZANCE ON APPEAL.

14 This day personally appeared before the undersigned, a justice of the peace
 15 of Will county, Illinois, Richard Roe, as principal, and William Roe and William
 16 Smith, as sureties, and jointly and severally acknowledged themselves to owe and
 17 to be indebted unto the People of the State of Illinois in the penal sum of five
 18 hundred dollars (\$500) to be levied of their goods and chattels, lands and tene-
 19 ments, respectively, in such manner as the law directs.

20 The condition of this recognizance is such that whereas the undersigned, a
 21 justice of the peace of Will county, Illinois, in pursuance of the statute in such
 22 case made and provided, did on the 12th day of January, 1908, order and require
 23 the above bounden Richard Roe to give a recognizance with sufficient security,
 24 in the sum of five hundred dollars (\$500), to keep the peace towards all the
 25 people of this state, and especially towards John Doe, for twelve months from
 26 the 12th day of January, 1908, and to pay the costs of the action, from which
 27 order the said Richard Roe has taken an appeal to the circuit court of Will
 28 county.

29 Now, therefore, if the said appellant, Richard Roe, shall pay the costs of
 30 the appeal in case the said order is affirmed or the appeal dismissed, and shall
 31 also keep the peace towards all the people of this state and especially towards
 32 the said John Doe for six months from the 12th day of January, 1908, then this
 33 recognizance is to be void; otherwise the same is to be and remain in full force
 34 and virtue.

RICHARD ROE, [SEAL.]

WILLIAM ROE, [SEAL.]

WILLIAM SMITH, [SEAL.]

37 Taken, acknowledged and entered into before me this 12th day of January,
 38 1908.

HENRY BROWN, J. P.

Sec. 1635. DEFENDANT COMMITTED DISCHARGED WHEN.] A person committed
 2 for not finding sureties or refusing to recognize as required by the justice may
 3 be discharged by any justice of the peace or court of record of competent juris-
 4 diction on giving such security as was required.

Sec. 1636. SURETIES MAY SURRENDER PRINCIPAL.] The sureties of any person
 2 bound to keep the peace may at any time surrender their principal to the sheriff
 3 of the county in which the principal was bound, under the same rules and regula-
 4 tions governing the surrender of the principal in other criminal actions.

Sec. 1637. PERSON SURRENDERING MAY RECOGNIZE ANEW.] Any person so
 2 surrendering may recognize anew with sufficient sureties before any justice of
 3 the peace, or court of record of competent jurisdiction, for the residue of the
 4 time and shall thereupon be discharged.

Sec. 1638. NO DISMISSAL FOR INFORMALITY, ETC.] No proceeding to prevent
 2 a breach of the peace shall be dismissed on account of any informality or in-
 3 sufficiency of the complaint or of any writ or proceeding, but the same may
 4 be amended by order of the court or justice of the peace to conform to the truth
 5 in the case.

DIVISION LXIV.

PRACTICE BEFORE JUSTICES OF THE PEACE IN SEARCH WARRANT PROCEEDINGS.

SECTION

- 1639. Complaint—requisites—form.
- 1640. Warrant—form.
- 1641. Power of officer.
- 1642. Return of officer.

SECTION

- 1643. Keeping property—final disposition.
- 1644. When costs taxed against complainants.
- 1645. Search of person for weapon.

Sec. 1639. COMPLAINT — REQUISITES—FORM.] When any person shall
 2 complain to a justice of the peace that personal property (particularly describ-

ing the same) has been stolen, embezzled or fraudulently obtained by false tokens or pretenses, and that the complainant believes that it is concealed in any house or place (particularly describing the same), such complaint shall be reduced to writing and shall be subscribed and sworn to by the person complaining. The following form of complaint shall be deemed sufficient and shall be taken as furnishing suggestions from which other complaints may be properly framed:

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

The People of the	} Search Warrant. No. 21.
State of Illinois	
v.	
No. 95 Main Street,	
Joliet, Illinois.	

COMPLAINT.

John Doe on his oath complains and says that on or about the first day of January, 1908, the following described goods and chattels of him, the said John Doe, to-wit: one open faced Elgin watch and ten silver tablespoons were feloniously taken, stolen and carried away and this complainant verily believes that the said goods and chattels, or a portion thereof, are now concealed in the premises known as No. 95 Main Street, in Joliet, in said county of Will, and that the following are this complainant's reasons for the said belief, to-wit: that complainant was this day informed by one William Smith that he, the said William Smith, saw the said property upon said premises on the second day of January, 1908.

Wherefore this complainant prays that a search warrant may issue according to law.

JOHN DOE.

Subscribed and sworn to before me this 3d day of January, 1908.

HENRY BROWN, J. P.

Sec. 1640. WARRANT—FORM.] If, from said complaint and from such evidence as may be produced before the justice in support of the same, it shall

3 appear to the justice that the personal property described in the complaint has
 4 been stolen, embezzled or fraudulently obtained by false tokens or pretenses and
 5 that there is reasonable cause for the complainant's belief that such personal
 6 property is concealed in the house or place described in the complaint, the
 7 justice shall file the same and the proceeding shall be duly entered by the justice
 8 in his docket under the title of the People of the State of Illinois against the
 9 house or place to be searched and the justice shall issue a warrant directed to
 10 the sheriff and to all constables of the county commanding the officer to whom
 11 the same is delivered to search, either in the daytime or the nighttime, the house
 12 or place where the property or things described in the complaint are believed to
 13 be concealed, which place and property shall be particularly designated and de-
 14 scribed in the warrant and to bring such property when found, and the person
 15 in whose possession the same is found, before the justice. Such warrant may
 16 be in substantially the following form:

17 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

18 The People of the	}	Search Warrant. No. 21.
19 State of Illinois		
20 v.		
21 No. 95 Main Street,		
22 Joliet, Illinois.		

23 **SEARCH WARRANT.**

24 The People of the State of Illinois—GREETING to the sheriff and all constables of
 25 Will county, Illinois:

26 We command you to forthwith search, either in the daytime or nighttime,
 27 the premises known as No. 95 Main Street, in Joliet, Illinois, situated in the
 28 county of Will aforesaid, and bring before me at my office No. 17 Main Street,
 29 in Joliet, Will county, Illinois, the following property, to-wit: one open faced
 30 Elgin gold watch and ten silver tablespoons, being the property of one John
 31 Doe and also bring before me the person or persons in whose possession the
 32 said personal property may be found.

34

HENRY BROWN, *J. P.* [SEAL.]

Sec. 1641. POWER OF OFFICER.] The officer may break open any outer or
2 inner door or window of the house or anything therein, if, after notice of his
3 authority and purpose, he is **refused** admittance, using no more force than is
4 necessary.

Sec. 1642. RETURN OF OFFICER.] The return of the officer shall particularly
2 specify the property taken and the place where and the person from whom the
3 same is taken.

Sec. 1643. KEEPING PROPERTY—FINAL DISPOSITION.] When an officer in the execution of a search warrant finds stolen or embezzled property or seizes any of the other things for which a search warrant is allowed by the provisions hereof, all the property and things so seized shall be safely kept by the direction of the justice so long as necessary for the purpose of being produced or used as evidence on the trial. As soon as may be afterwards all such stolen and embezzled property shall be restored to the owner thereof and all the other things seized by virtue of such warrant shall be burned or otherwise destroyed under the direction of the justice.

Sec. 1644. WHEN COSTS TAXED AGAINST COMPLAINANT.] If, on the hearing,
2 it appears that there was no proper cause for suing out the warrant, the whole
3 costs may be taxed against the complainant and execution awarded.

Sec. 1645. SEARCH OF PERSON FOR WEAPON.] When any person charged with
2 a felony is brought before the justice and is suspected by the justice to have
3 upon his person a dangerous weapon or anything that may be used as evidence
4 of the commission of the offense the justice may direct him to be searched in the
5 presence of the justice and such weapon or other thing to be retained subject to
6 the order of the justice before whom the defendant may be tried.

DIVISION LXV.

PRACTICE BEFORE JUSTICES OF THE PEACE IN EXAMINATION PROCEEDINGS.

SECTION	SECTION
1646. Complaint—form.	1655. Non-appearance of defendant—default.
1647. Warrant—form.	1656. Examination — discharge — commitment—recognizance.
1648. Designation of defendant when name unknown.	1657. Recognizance of witness.
1649. Warrant may be directed to person named.	1658. Recognizance of married woman or minor.
1650. Officer may pursue person escaping.	1659. Commitment of witnesses.
1651. Arrest out of county—duty of officer.	1660. Requisites of order of commitment—forms.
1652. Power of officer.	1661. Jailer to receive copy of commitment—copy to defendant.
1653. Before what court person arrested to be brought.	1662. Procedure when offense within jurisdiction of justice.
1654. Adjournment — commitment — recognizance—form.	

Sec. 1646. COMPLAINT—FORM.] When any person shall complain to a
2 justice of the peace that any criminal offense has been committed which is punish-
3 able by death, confinement in the penitentiary or county jail, or by fine exceeding
4 two hundred dollars (\$200), such complaint shall be reduced to writing and shall
5 be subscribed and sworn to by the person complaining. Such complaint shall con-
6 tain a concise statement of the offense charged to have been committed and the
7 name of the person accused, and that the complainant has just and reasonable
8 grounds to believe that such person committed the offense. Such complaint may
9 be in substantially the following form:

10 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

11 The People of the
12 State of Illinois } Examination. No. 20.
13 Richard Roe. v.

14 COMPLAINT.

15 John Doe, of Joliet, in said Will county, who prosecutes in this behalf in the
16 name and by the authority of the People of the State of Illinois, on his oath com-

17 plains and says that he has just and reasonable grounds to believe that Richard
 18 Roe did, on the first day of January, 1908, at Joliet, in the county aforesaid,
 19 feloniously take, steal and carry away one gold watch, then and there being the
 20 personal property of him, the said John Doe, of the value of twenty-five dollars
 21 (\$25), contrary to the peace and dignity of the same People of the State of Illinois,
 22 and the said John Doe further says upon his oath that the said offense has been
 23 committed and that the following are the grounds of his belief that the said Rich-
 24 ard Roe committed the same, to wit: that he, the said John Doe, on the second
 25 day of January, 1908, saw the said gold watch in the possession of him, the said
 26 Richard Roe.

27 Wherefore the said John Doe prays that a warrant may issue against the
 28 said Richard Roe according to law.

29 JOHN DOE.

30 Subscribed and sworn to before me this 2nd day of January, 1908.

31 HENRY BROWN, J. P.

Sec. 1647. WARRANT—FORM.] If, from the said complaint and from such
 2 evidence as may be produced before the justice in support of the same, it shall
 3 appear to the justice that the offense therein specified has been committed, he
 4 shall file the complaint and the action shall be duly entered by him in his docket,
 5 and he shall issue a warrant directed to all sheriffs, coroners and constables with-
 6 in the state, stating the offense by name or so that it clearly can be inferred, the
 7 name of the person accused, and requiring the officer to whom it is directed forth-
 8 with to take the person of the accused and bring him before the justice. Such
 9 warrant may be in substantially the following form:

10 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

11 The People of the	} Examination. No 20.
12 State of Illinois	
13 v.	
14 Richard Roe.	

15 WARRANT.

16 The People of the State of Illinois—GREETING to all sheriffs, coroners and con-
 17 stables within this state:

18 We command you that you take Richard Roe and him safely keep, so that
 19 you may have his body instanter before me at my office at No. 17 Main Street, in
 20 Joliet, Will county, Illinois, to answer to the People of the State of Illinois for
 21 and concerning the offense of larceny of one gold watch of the value of one hun-
 22 dred dollars (\$100), the property of one John Doe, with which the said Richard
 23 Roe stands charged in our said court, as by a certain complaint on oath pre-
 24 ferred against him and filed in said court in that behalf appears, and to be dealt
 25 with according to law.

26 Witness my hand and seal this 2d day of January, 1908.

27 HENRY BROWN, *J. P.* [SEAL.]

Sec. 1648. DESIGNATION OF DEFENDANT WHEN NAME UNKNOWN.] If the name
 2 of the defendant is unknown to the complainant or to the justice, he may be des-
 3 ignated by any name, description or circumstance by which he can be identified
 4 with reasonable certainty, and if upon arrest he refuses to disclose his true name
 5 he may be tried and convicted by the name used in the warrant.

Sec. 1649. WARRANT MAY BE DIRECTED TO PERSON NAMED.] When the justice
 2 issues a warrant, he may authorize a person therein named to execute the same
 3 and the warrant shall thereupon be directed to all sheriffs, coroners and con-
 4 stables within this state and to the person so named, and the person so named
 5 may execute such warrant in the same manner and shall have like powers as if
 6 he were an officer named in the warrant, and all sheriffs, coroners and constables
 7 and others, when required in their respective counties, shall aid in the execution
 8 of such warrant.

Sec. 1650. OFFICER MAY PURSUE PERSON ESCAPING.] If a person against whom
 2 a warrant is issued by a justice for any alleged offense before or after the issuing
 3 of such warrant escapes from or out of the county in which such warrant is is-
 4 sued, the officer to whom such warrant is directed may pursue and apprehend the

5 party charged in any county of this state, and for that purpose may command
6 aid and exercise the same authority as in his own county.

Sec. 1651. ARREST OUT OF COUNTY—DUTY OF OFFICER.] When a person is ar-
2 rested under a warrant issued by a justice of the peace, and such arrest is made
3 in a county other than that in which the warrant is issued, the officer shall take
4 him before the justice by whom the warrant shall have been issued or, in the ab-
5 sence or inability to act of such justice, then to any other justice of the peace in
6 such county.

Sec. 1652. POWER OF OFFICER.] The officer or any person having the custody
2 of a prisoner by authority of any warrant issued by a justice of the peace may
3 pass through any counties which may be in his route between the place of arrest
4 and the place to which he is taking the prisoner, and may lodge the prisoner in
5 any jail on the route for safe keeping for one night or more as circumstances
6 may require.

Sec. 1653. BEFORE WHAT COURT PERSON ARRESTED TO BE BROUGHT.] Every per-
2 son arrested by warrant issued by a justice of the peace for any offense where
3 no other provision is made for his examination thereon, shall be brought before
4 the justice by whom the warrant has been issued, or if he is absent or unable to
5 attend, then before some other justice of the peace or some court of record in
6 such county, and the warrant, with the proper return thereon signed by the per-
7 son who made the arrest, shall be delivered to the said justice or to the clerk of
8 the said court and shall be by him filed.

Sec. 1654. ADJOURNMENT—COMMITMENT—RECOGNIZANCE—FORM.] The justice
2 may, for good cause appearing, adjourn an examination or trial pending before
3 him from time to time as occasion may require, not exceeding thirty (30) days at
4 any one time, without the consent of the defendant or person charged. In the

14 The People of the
15 State of Illinois
16 v.
17 Richard Roe. } Examination. No. 20.

19 This day personally appeared before the undersigned, a justice of the peace
20 of Will county, Illinois, Richard Roe, as principal, and Thomas Jones and Wil-
21 liam Smith, as sureties, and jointly and severally acknowledged themselves to
22 owe and to be indebted unto the People of the State of Illinois in the penal sum
23 of one thousand dollars (\$1,000), to be levied of their goods and chattels, lands
24 and tenements, respectively, in such manner as the law directs.

25 The condition of this recognizance is such that if the above bounden Richard
26 Roe shall personally be and appear before the undersigned, justice of the peace
27 as aforesaid, at his office at No. 17 Main Street, in Joliet, Will county, Illinois, at
28 nine o'clock A. M., on the ninth day of January, 1908, and from time to time
29 thereafter to which the hearing may be further adjourned, and abide the order of
30 the undersigned as justice as aforesaid in all things, upon a certain complaint
31 preferred before said justice against him charging him with the offense of larceny
32 of a gold watch of the value of twenty-five dollars (\$25), the property of one
33 John Doe, being the case of the People of the State of Illinois v. Richard Roe, Ex-
34 amination, No. 20, and shall abide the order of the undersigned, as justice as

35 aforesaid, in all things, then this recognizance is to be void; otherwise the same
 36 is to be and remain in full force and virtue.

37 Witness our hands and seals at Joliet, Illinois, this second day of January,
 38 1908.

39 RICHARD ROE [SEAL.]

40 THOMAS JONES [SEAL.]

41 WILLIAM SMITH [SEAL.]

42 Taken, acknowledged and entered into before me this second day of January,
 43 1908.

44 HENRY BROWN, *J. P.*

Sec. 1655. NON-APPEARANCE OF DEFENDANT—DEFAULT.] If the person so rec-
 2 ognized does not appear before the justice according to the condition of such
 3 recognizance, the justice shall enter the default upon his docket, but such default
 4 may be set aside by the justice for good cause shown, on the appearance of the ac-
 5 cused at any time to which the matter may be continued by the justice. And, in
 6 case such default is not set aside as aforesaid, the justice shall certify the recog-
 7 nizance with a record of the default to the court having cognizance of the offense
 8 and like proceedings may be had thereupon as upon the breach of the condition of
 9 a recognizance for appearance before such court, or an action at law may be
 10 maintained thereon.

Sec. 1656. EXAMINATION—DISCHARGE — COMMITMENT — RECOGNIZANCE.] The
 2 justice, when any person charged with a criminal offense punishable by death or
 3 confinement in the penitentiary or county jail, or by a fine exceeding two hundred
 4 dollars (\$200), is brought before him with or without a warrant, shall, as soon as
 5 may be, examine the witness or witnesses in support of the prosecution, as well as
 6 those who may be produced on behalf of the accused, on oath in the presence of
 7 the party charged, in relation to any matter connected with such charge which the
 8 justice may deem pertinent. While a witness is being examined the justice, if he

9 sees cause therefor, may exclude from the place of examination all the other
10 witnesses or direct the witnesses to be kept separate so that they cannot converse
11 with each other until they have been examined. If it appears to the justice upon
12 the whole examination that no offense has been committed, or that there is no
13 probable cause for charging the prisoner with the offense, he shall be discharged.
14 If it appears that an offense has been committed, and that there is probable
15 cause to believe the prisoner guilty, and if the offense is bailable by the justice
16 and the prisoner offers sufficient bail, a recognizance shall be taken and the pris-
17 oner discharged; but if no sufficient bail is offered and the offense is not bailable
18 by the justice, the justice shall commit the prisoner to jail for trial. The recog-
19 nizance in this section provided for may be in substantially the following form:

20 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

21 The People of the }
22 State of Illinois } Examination. No. 20.
23 v. }
24 Richard Roe. }

25 RECOGNIZANCE ON COMMITMENT.

26 This day personally appeared before the undersigned, a justice of the peace
27 of Will county, Illinois, Richard Roe, as principal, and Thomas Jones and Wil-
28 liam Smith, as sureties, and jointly and severally acknowledged themselves to
29 owe and to be indebted unto the People of the State of Illinois in the penal sum
30 of two thousand dollars (\$2,000), to be levied of their goods and chattels, lands
31 and tenements, respectively, in such manner as the law directs.

32 The condition of this recognizance is such that if the said Richard Roe shall
33 personally be and appear before the circuit court of Will county, Illinois, at the
34 county court-house in Joliet, in said Will county, on the ninth day of January,
35 1908, at the opening of court on that day, and from day to day thereafter until the
36 final sentence or order of the court, to answer for the offense of larceny of a gold
37 watch of the value of twenty-five dollars (\$25), the property of one John Doe,
38 and shall abide such final sentence or order and not depart the court without

39 leave, then this recognizance is to be void; otherwise the same is to be and re-
 40 main in full force and virtue.

41 Witness our hands and seals at Joliet aforesaid this second day of January,
 42 1908.

43 RICHARD ROE [SEAL.]

44 THOMAS JONES [SEAL.]

45 WILLIAM SMITH [SEAL.]

46 Taken, acknowledged and entered into before me this second day of Janu-
 47 ary, 1908.

48 HENRY BROWN, *J. P.*

Sec. 1657. RECOGNIZANCE OF WITNESS.] When the prisoner is admitted to bail
 2 or committed the justice shall bind by recognizance such witnesses against the
 3 prisoner as the justice deems material to appear and testify at the next term of
 4 the circuit court of such county, or in Cook county at the next term of the crim-
 5 inal court of Cook county; *provided*, no such witness shall be required to give
 6 other security than his own recognizance for such appearance. The following form
 7 of recognizance provided for in this section shall be deemed sufficient and shall
 8 be taken as furnishing suggestions from which other recognizances may be prop-
 9 erly framed:

10 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

11 The People of the	} Examination. No. 20.
12 State of Illinois	
13 v.	
14 Richard Roe.	

15 RECOGNIZANCE OF WITNESS.

16 This day personally appeared before the undersigned, a justice of the peace
 17 of Will county, Illinois, John Doe, and acknowledged himself to owe and to be in-
 18 debted unto the People of the State of Illinois in the penal sum of one hundred
 19 dollars (\$100), to be levied of his goods and chattels, lands and tenements, re-
 20 spectively, in such manner as the law directs.

31 JOHN DOE [SEAL.]

34 HENRY BROWN, *J. P.*

Sec. 1659. COMMITMENT OF WITNESSES.] Witnesses required to recognize
2 shall, if they refuse, be committed to jail by the justice, there to remain until they
3 comply with such order or are otherwise discharged according to law.

Sec. 1660. REQUISITES OF ORDER OF COMMITMENT—FORMS.] When any defend-
2 ant or witness is committed because he fails to enter into a recognizance as re-

quired by law, or because the offense is not bailable, the justice shall make out his warrant of commitment directed to the sheriff, coroner or any constable, commanding the sheriff, coroner or any constable to commit the prisoner to the county jail to answer in the proper court to the charge made against him, specifying the charge, or for his appearance as a witness, as the case may be, and to be safely kept until he is discharged by due process of law. If the offense is bailable or the prisoner committed is a witness, the justice shall specify in the warrant of commitment the amount of bail required, and indorse thereon the names and residences of the principal witnesses by whom the crime was proved before him. Such warrant of commitment may be in substantially one of the following forms:

1. WARRANT OF COMMITMENT TO ANSWER CRIMINAL CHARGE.

BEFORE HENRY BROWN, Esq., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

16	The People of the	} Examination. No. 25.
17	State of Illinois	
18	Richard Roe.	

WARRANT OF COMMITMENT.

The People of the State of Illinois—GREETING to the sheriff, coroner or any constable of Will county:

We hereby command you to take the body of Richard Roe, the defendant in the above entitled proceeding, and commit him to the county jail of said Will county, there to appear on the 10th day of February, 1908, to answer in the circuit court of Will county to a charge of larceny of one gold watch of the value of twenty-five dollars (\$25), the property of John Doe, and to be safely kept until he is discharged by due process of law. The defendant may be admitted to bail in the sum of five hundred dollars (\$500).

Witness my hand and seal this 9th day of January, 1908.

HENRY BROWN, J. P. [SEAL.]

31 2. WARRANT OF COMMITMENT TO APPEAR AS WITNESS.

32 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

33 The People of the }
 34 State of Illinois } Examination. No. 25.
 35 v.
 36 Richard Roe. }

37 WARRANT OF COMMITMENT OF WITNESS.

38 The People of the State of Illinois—GREETING to the sheriff, coroner or any con-
 39 stable of Will county:

40 We hereby command you to take the body of John Doe, a witness in the above
 41 entitled proceeding, and commit him to the county jail of said Will county for his
 42 appearance before the circuit court of Will county on the 10th day of February,
 43 1908, as a witness in the case of the People of the State of Illinois v. Richard Roe,
 44 in which the defendant is charged with larceny, and to be safely kept until he is
 45 discharged by due process of law. The defendant may be released upon his own
 46 recognizance in the sum of fifty dollars (\$50).

47 Witness my hand and seal this 9th day of January, 1908.

48 HENRY BROWN, J. P. [SEAL.]

Sec. 1661. JAILER TO RECEIVE COPY OF COMMITMENT—COPY TO DEFENDANT.] The
 2 officer delivering the prisoner to the custody of the jailer shall also deliver to
 3 the jailer such warrant of commitment to be by him duly preserved, and when-
 4 ever any prisoner in the custody of the sheriff or other officer, on any warrant of
 5 commitment as aforesaid, shall, by himself or his attorney, demand of such sheriff
 6 or other officer a copy of such warrant of commitment, such sheriff or other officer
 7 shall deliver the same to the prisoner or his counsel.

Sec. 1662. PROCEDURE WHEN OFFENSE WITHIN JURISDICTION OF JUSTICE.] When
 2 upon any such examination it appears to the justice that an offense has been com-
 3 mitted and that there is probable cause to believe the prisoner guilty, but that
 4 such offense is one punishable by fine only, not exceeding two hundred dollars

5 (\$200), the justice may, in lieu of committing the prisoner to the circuit court or,
 6 in Cook county, to the criminal court of Cook county, if a proper complaint be
 7 filed for that purpose, proceed to the trial of the action as is provided in this act
 8 for other criminal cases.

DIVISION LXVI.

PRACTICE BEFORE JUSTICES OF THE PEACE IN CRIMINAL ACTIONS.

SECTION	SECTION
1663. Criminal action commenced by complaint—form.	1669. Return of cash deposit.
1664. Warrant—form.	1670. When defendant released on his own recognizance.
1665. Special constable appointed when.	1671. Amount of recognizance or cash deposit.
1666. Arrest of defendant—recognizance executed to or cash bail deposited with justice—forms.	1672. Trial of action—jury.
1667. Arrest of defendant—recognizance taken by or cash bail deposited with officer—forms.	1673. Jury to determine penalty—judgment.
1668. Forfeiture of recognizance or cash deposit.	1674. Execution of judgment.
	1675. How fines to be worked out.

Sec. 1663. CRIMINAL ACTION COMMENCED BY COMPLAINT—FORM.] Every
 2 criminal action punishable by fine only of which a justice of the peace has juris-
 3 diction may be commenced by the filing with the justice of a complaint under oath
 4 of any competent person, setting forth the commission of the offense and specify-
 5 ing the person guilty thereof and the time and place of the commission thereof.
 6 Such complaint may be in substantially the following form:

7 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

8 The People of the }
 9 State of Illinois } Criminal. No. 15.
 10 v.
 11 Richard Roe. }

12 COMPLAINT.

13 John Doe, who prosecutes in this behalf in the name and by the authority of
 14 the People of the State of Illinois, on his oath says that Richard Roe, late of said
 15 county of Will heretofore, to wit: on the 10th day of February, 1908, at said
 16 county of Will (here describe the offense), against the peace and dignity of the
 17 same People of the State of Illinois.

18 JOHN DOE.

19 Subscribed and sworn to before me this 10th day of February, 1908.

20 HENRY BROWN, J. P.

Sec. 1664. WARRANT—FORM.] Upon the filing of a complaint as provided in
 2 the preceding section, the justice may issue a warrant directed to the sheriff and
 3 all constables of his county, and returnable either forthwith or at a fixed hour and
 4 day, for the arrest of the person charged with the offense, which warrant shall
 5 have endorsed thereon the amount of the recognizance to be taken from the de-
 6 fendant and the amount of the cash deposit to be required in lieu of a recogni-
 7 zance and may be in substantially the following form:

8 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

9 The People of the }
 10 State of Illinois } Criminal. No. 15.
 11 v.
 12 Richard Roe. }

13 WARRANT.

14 The People of the State of Illinois—GREETING to the sheriff and all constables of
 15 Will county:

16 We command you that you take Richard Roe, if he be found in your county,
 17 and him safely keep so that you may have his body before me at my office at No.
 18 17 Main Street, in Joliet, Will county, Illinois, instanter to answer to the People

19 of the State of Illinois for and concerning the crime of (here describe crime) with
 20 which the said Richard Roe stands charged before me in a certain complaint under
 21 oath.

22 Witness my hand and seal at Joliet, Illinois, this 10th day of February, 1908.

23 HENRY BROWN, *J. P.* [SEAL.]

24 Amount of Recognizance \$100.

25 Amount of Cash Bail \$50.

26 NOTE.

27 When the warrant is returnable at a fixed time the foregoing form may be
 28 varied from by inserting in lieu of the word "instanter," the hour and day at
 29 which the same is made returnable.

Sec. 1665. **SPECIAL CONSTABLE APPOINTED WHEN.]** Any justice of the peace
 2 may appoint a suitable person to act as constable in a criminal action where there
 3 is a probability that a person charged with any offense will escape before appli-
 4 cation can be made to a qualified constable; and the person so appointed shall
 5 act as constable in that action and no other, and any temporary appointment so
 6 made as aforesaid shall be made by written indorsement under the seal of the
 7 justice at the foot of the process which the person receiving the same shall be
 8 authorized to execute. Such indorsement may be in the following form:

9 To George Thomas:

10 You are hereby appointed special constable to execute the within writ.

11 HENRY BROWN, *J. P.* [SEAL.]

Sec. 1666. **ARREST OF DEFENDANT—RECOGNIZANCE EXECUTED TO OR CASH BAIL**
 2 **DEPOSITED WITH JUSTICE—FORMS.]** Upon the arrest of the defendant in a criminal
 3 action the officer making the arrest shall, if the warrant be returnable forthwith,
 4 bring the defendant immediately before the justice, who shall proceed at once to
 5 hear and determine the action according to law, unless for good cause shown the
 6 trial shall be postponed. In case the trial be postponed the defendant shall be al-

lowed to enter into a recognizance with security for his appearance before the justice, from time to time until the final determination of the action, or to make a cash deposit in lieu of such recognizance. In case the defendant shall make a cash deposit the justice shall execute and deliver to him a certificate thereof, a duplicate of which shall be executed by the justice and filed with the papers in the action and a minute thereof shall be entered by the justice in his docket. The following forms of recognizance and certificate of deposit provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances and certificates of deposit may be properly framed:

1. RECOGNIZANCE TAKEN BY JUSTICE IN CRIMINAL ACTION.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

18	The People of the	} Criminal. No. 100.
19	State of Illinois	
20	v.	
21	Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, a justice of the peace of Will county, Illinois, Richard Roe, as principal, and Thomas Jones, as surety, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one hundred dollars (\$100), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before the undersigned, justice of the peace as aforesaid, at his office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock, A. M., on February 24, 1908, and from time to time thereafter to which the trial of the above entitled action may be postponed and until the final judgment is entered by the undersigned justice of the peace in said action, and shall abide the order of the undersigned, as justice of the peace as aforesaid, in all things, then

36 this recognizance is to be void; otherwise the same is to be and remain in full
37 force and virtue.

38 Witness our hands and seals at Joliet, Illinois, this 17th day of February,
39 1908.

40 RICHARD ROE [SEAL.]

41 THOMAS JONES [SEAL.]

42 Taken, acknowledged and entered into before me this 17th day of February,
43 1908.

44 HENRY BROWN, *J. P.* [SEAL.]

45 2. CERTIFICATE OF JUSTICE OF CASH DEPOSIT IN CRIMINAL ACTION.

46 BEFORE HENRY BROWN, Esq., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

47 The People of the }
48 State of Illinois } Criminal. No. 100.
49 v. }
50 Richard Roe. }

51 CERTIFICATE OF DEPOSIT.

52 This is to certify that Richard Roe, the defendant in the above entitled ac-
53 tion, has this day deposited with the undersigned justice of the peace of Will
54 county, Illinois, the sum of fifty dollars (\$50), which deposit is made as security
55 that said Richard Roe shall personally be and appear before the undersigned at
56 his office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock, A. M.,
57 on February 24, 1908, and from time to time thereafter to which the trial of the
58 above entitled action may be postponed and until the final judgment is entered by
59 the undersigned justice of the peace in said action and shall abide the order of the
60 undersigned, as justice as aforesaid, in all things.

61 Dated Joliet, Illinois, February 17, 1908.

62 HENRY BROWN, *J. P.* [SEAL.]

Sec. 1667. ARREST OF DEFENDANT—RECOGNIZANCE TAKEN BY OR CASH BAIL DE-
2 POSITED WITH OFFICER—FORMS.] Upon the arrest of the defendant in a criminal ac-

tion the officer making the arrest shall, if the warrant be not returnable forthwith, permit the defendant to enter into a recognizance with security for his appearance before the justice at the time fixed in the warrant therefor, and from time to time thereafter to which the trial of the action may be postponed, or to make a cash deposit in lieu of such recognizance, and, in case the defendant shall make a cash deposit the officer shall execute and deliver to him a certificate thereof, a duplicate of which shall be executed by the officer and delivered to the justice together with the warrant and the money deposited by the defendant and the justice shall enter in his docket a minute thereof. The following forms of recognizance and certificate of deposit shall be deemed sufficient and shall be taken as furnishing suggestions from which other recognizances and certificates of deposit may be properly framed:

1. RECOGNIZANCE TAKEN BY OFFICER IN WARRANT ACTION.

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

17. The People of the	} Criminal. No. 100.
18 State of Illinois	
19 v.	
20 Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, a constable of Will county, Illinois, Richard Roe, as principal, and Thomas Jones, as surety, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of one hundred dollars (\$100), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that if the above bounden Richard Roe shall personally be and appear before Henry Brown, Esq., a justice of the peace of Will county, Illinois, at his office at No. 17 Main Street, Joliet, Will county, Illinois, at nine o'clock, A. M., on February 24, 1908, and from time to time thereafter to which the trial of the above entitled action may be postponed, and

33 until the final judgment is entered by said justice of the peace in said action and
 34 shall abide the order of said justice of the peace in all things, then this recogni-
 35 zance is to be void; otherwise the same is to be and remain in full force and virtue.

36 Witness our hands and seals at Joliet, Illinois, this 17th day of February,
 37 1908.

38 RICHARD ROE [SEAL.]

39 THOMAS JONES [SEAL.]

40 Taken, acknowledged and entered into before me this 17th day of February,
 41 1908.

42 SAMUEL SMITH, *Constable*. [SEAL.]

43 2. CERTIFICATE OF CONSTABLE OF CASH DEPOSIT IN CRIMINAL ACTION.

44 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

45 The People of the	} Criminal. No. 100.
46 State of Illinois	
47 v.	
48 Richard Roe.	

49 CERTIFICATE OF DEPOSIT.

50 This is to certify that Richard Roe, the defendant in the above entitled action,
 51 has this day deposited with the undersigned, a constable of Will county, Illinois,
 52 the sum of fifty dollars (\$50), which deposit is made as security that said Richard
 53 Roe shall personally be and appear before Henry Brown, Esq., justice of the
 54 peace of Will county, Illinois, at his office at No. 17 Main Street, Joliet, Will
 55 county, Illinois, at nine o'clock, A. M., on February 24, 1908, and from time to
 56 time thereafter to which the trial of the above entitled action may be postponed
 57 and until the final judgment is entered by said justice of the peace in said action,
 58 and shall abide the order of said justice of the peace in all things.

59 Dated Joliet, Illinois, February, 17, 1908.

60 SAMUEL SMITH, *Constable*.

Sec. 1668. FORFEITURE OF RECOGNIZANCE OR CASH DEPOSIT.] Whenever any de-
 2 fendant, after entering into a recognizance or making a cash deposit as aforesaid,

3 shall fail to appear before the justice as specified in the recognizance or certificate
4 of deposit, or shall otherwise fail to comply with the conditions thereof, such rec-
5 ognizance or deposit may be declared forfeited by the justice, and, if a recogni-
6 zance shall have been entered into, judgment may be entered by the justice for the
7 amount of such recognizance in favor of the cognizee and against the cognizors
8 therein named and the same may be enforced by execution against the defendant
9 as judgments in other actions for money, or, if a cash deposit shall have been
10 made, such cash deposit may be applied in the manner hereinafter provided; but
11 any such judgment upon a recognizance may be set aside by the justice on ap-
12 plication being made therefor by any defendant therein at any time within thirty
13 (30) days after the service upon such defendant of an execution issued upon such
14 judgment, or after the service upon such defendant of a notice in writing of the
15 entry of such judgment, when it is made to appear to the justice that there was a
16 reasonable excuse for the non-appearance of the defendant and the defendant
17 shall appear and abide the judgment in the action in which such recognizance was
18 taken. When a cash deposit is forfeited and such forfeiture is not set aside as
19 hereinbefore provided, the amount thereof shall be applied by the justice, so far
20 as the same may be necessary or so far as the same may extend, to the satisfaction
21 of whatever judgment may be entered by the justice in the action in which such
22 deposit has been made and the balance, if any, shall be returned to the defendant,
23 and the justice in such case, when the defendant fails to appear, may proceed with
24 the trial of the action and may enter such sentence and judgment against the de-
25 fendant and in favor of the plaintiff as, in the opinion of the justice, the evidence
26 may require, and such judgment may be enforced in the manner provided by this
27 act for the enforcement of judgments of justices of the peace in criminal actions
28 to the same extent as if the defendant had personally appeared at the trial: *Pro-*
29 *vided, however,* that such judgment shall only be enforced to the amount of the ex-
30 cess thereof over and above the amount of the deposit aforesaid.

Sec. 1669. RETURN OF CASH DEPOSIT.] When any defendant shall make a cash
 2 deposit, in lieu of bail, as hereinbefore provided and shall appear before the jus-
 3 tice in accordance with the terms of such deposit and shall abide by all the condi-
 4 tions thereof, the amount of such deposit shall be returned to the defendant by the
 5 justice at the time of the entry of the final judgment.

Sec. 1670. WHEN DEFENDANT RELEASED ON HIS OWN RECOGNIZANCE.] If, upon
 2 the arrest of the defendant in any criminal action, the justice of the peace, or the
 3 officer making the arrest, as the case may be, shall be satisfied that the defendant
 4 is the head of a family and residing with the same in the county in which the of-
 5 fense is alleged to have been committed and that such defendant is a poor person
 6 who is not able to enter into a recognizance with security, it shall be the duty of
 7 the justice, or of the officer, as the case may be, to accept of such defendant, in
 8 lieu of bail, his own recognizance, conditioned, as near as may be, as the recogni-
 9 zance hereinbefore provided for; or, when the justice of the peace, or the officer
 10 making the arrest, as the case may be, shall be satisfied that the defendant has a
 11 known and fixed place of residence in the county in which the offense is alleged to
 12 have been committed, and it appears probable to the justice or to the officer mak-
 13 ing the arrest, as the case may be, that the defendant, if released upon his own
 14 recognizance, will appear at such time or times as may be required by the justice,
 15 it shall be the duty of the justice or officer, as the case may be, to accept of such de-
 16 fendant, in lieu of bail, his own recognizance conditioned, as near as may be, as the
 17 recognizance hereinbefore provided for. Any defendant who, when released upon
 18 his own recognizance as aforesaid, shall fail to appear before the justice at the
 19 time or times required by such recognizance, shall be deemed guilty of a misde-
 20 meanor and upon conviction thereof may be punished by a fine not exceeding one
 21 hundred dollars (\$100) or by imprisonment in the county jail for not exceeding
 22 two months: *Provided, however,* that no defendant shall be punished as afore-
 23 said when his failure to appear is for a cause which would authorize the court to

24 set aside the forfeiture of his recognizance. But no defendant shall be released
25 upon his own recognizance under this section, when, at the time of his arrest, he
26 shall be in a state of intoxication, or when his release may, in the judgment of the
27 justice or officer, result in a breach of the peace.

Sec. 1671. AMOUNT OF RECOGNIZANCE OR CASH DEPOSIT.] The amount of the
2 recognizance required in any criminal action before a justice of the peace, shall
3 be not less than fifty dollars (\$50) nor more than two hundred dollars (\$200)
4 and the same shall be either fifty dollars (\$50) or some multiple thereof. The
5 amount of cash deposit, required of the defendant in lieu of bail in a criminal
6 action before a justice of the peace, shall be the maximum fine which may be im-
7 posed upon the defendant and five dollars (\$5) in addition thereto, but the same
8 shall in no case exceed one hundred dollars (\$100).

Sec. 1672. TRIAL OF ACTION—JURY.] If, upon the trial of the action, the jus-
2 tice find the defendant guilty he shall enter judgment against him for the fine
3 and costs of the action, but if he find him not guilty he shall discharge him with-
4 out costs. The defendant may have the action tried by a jury upon the same con-
5 ditions and the jury shall be summoned and impaneled in the same manner as in
6 civil actions before justices of the peace, but the defendant shall not be required
7 to advance the jury fees.

Sec. 1673. JURY TO DETERMINE PENALTY—JUDGMENT.] If the jury find the ac-
2 cused guilty they shall assess the fine, and upon the jury returning their verdict
3 the justice shall minute the same in his docket and shall enter judgment therein
4 accordingly with costs; but if the jury return a verdict of not guilty, the justice
5 shall discharge the defendant without costs. If the judgment be against the de-
6 fendant sentencing him to pay a fine and costs it shall recite the manner in which
7 the same shall be enforced as provided in the succeeding section.

Sec. 1674. EXECUTION OF JUDGMENT.] A judgment of a justice of the peace
 2 against a defendant in a criminal action, when the execution thereof is not stayed
 3 by appeal or otherwise as provided by this act, shall be enforced in the following
 4 manner :

5 *First*—FINE AND COMMITMENT TO JAIL UNTIL PAYMENT.] When the sentence
 6 is that the defendant pay a fine and that he stand committed to the county jail
 7 until the fine and costs are paid or until he is discharged in accordance with law,
 8 the justice shall deliver to the sheriff, or to some constable of the county, a certi-
 9 fied transcript of the entries upon his docket in the action, specifying in such cer-
 10 tificate that such transcript is delivered to the officer for the execution of the
 11 judgment, and the sheriff, or constable, as the case may be, shall convey the de-
 12 fendant to the county jail and there deliver him to the keeper thereof, together
 13 with such certified transcript, and, if such delivery be made by a constable, such
 14 keeper shall execute and deliver to the constable a receipt for the defendant and
 15 shall receive the defendant and confine him in such county jail until the fine and
 16 costs are paid, or until the defendant is discharged in accordance with law. The
 17 receipt in this section provided for may be in substantially the following form :

18 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

19	The People of the	} Criminal. No. 50.
20	State of Illinois	
21	v.	
22	Richard Roe.	

23 RECEIPT.

24 Received from Henry Jones, a constable of Will county, Illinois, the body of
 25 Richard Roe, the defendant in the above entitled action, to be by me confined in the
 26 county jail of Will county in accordance with the judgment entered February 12,
 27 1908, in said action.

28 Dated at Joliet, Illinois, February 12, 1908.

29 HENRY THOMAS, *Jailer.*

30 *Second*—FINE AND COMMITMENT TO WORK-HOUSE UNTIL PAYMENT.] When the
31 sentence is that the defendant pay a fine and that he stand committed to a house
32 of correction or work-house until the fine and costs are paid or worked out by
33 the defendant or until he is discharged in accordance with law, the justice shall
34 deliver to the sheriff or any constable of the county a certified transcript of the
35 entries upon his docket in the action and the sheriff or constable, as the case may
36 be, shall thereupon convey the defendant to a house of correction or work-house
37 and there deliver him to the keeper thereof, together with such certified tran-
38 script, and such keeper shall execute and deliver to the sheriff or constable, as the
39 case may be, a receipt for the defendant and shall receive the defendant and con-
40 fine him in such house of correction or work-house until the fine and costs are
41 paid or worked out by the defendant, or until the defendant is discharged in ac-
42 cordance with law. Such receipt may be in substantially the following form:

43 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

44 The People of the
45 State of Illinois
46 v.
47 Richard Roe. } Criminal. No. 40.

48 RECEIPT.

Received from Henry Jones, constable of Will county, Illinois, the body of
Richard Roe, the defendant in the above entitled action, to be by me confined in
the house of correction of the City of Joliet, in accordance with the judgment en-
tered February 12, 1908, in the above entitled action.

53 Dated at Joliet, Illinois, February 12, 1908.

54 WILLIAM THOMAS,

55 Superintendent.

Sec. 1675. HOW FINES TO BE WORKED OUT.] When any defendant is committed to a work-house or house of correction to work out any fine imposed upon him by a justice of the peace in a criminal action the same shall be worked out by him at the rate of one dollar and fifty cents (\$1.50) per day of each working day until such fine is fully worked out.

DIVISION LXVII.

THE FILES, RECORDS AND RECORD ENTRIES OF JUSTICES OF THE PEACE.

SECTION	SECTION
1676. Justice to keep docket.	1683. Recitals of jurisdiction.
1677. Actions, etc., to be numbered.	1684. Recitals of filing of papers and the issuance and return of writs—forms.
1678. Paper of uniform size and quality to be used.	1685. No particular form of words necessary to constitute valid judgment.
1679. Printed blanks—distribution.	1686. Recitals of hearing of evidence, findings and judgments—forms.
1680. Flat filing system.	1687. Form of justice's docket with illustration of manner of making entries therein.
1681. Papers filed to be fastened together.	
1682. Forms of entries prescribed to be followed, but variance therefrom immaterial when.	

Sec. 1676. JUSTICE TO KEEP DOCKET.] Every justice of the peace shall keep a docket for the docketing of actions and proceedings commenced before him, and for the entry, in abbreviated forms, of minutes of papers filed, writs issued, returns indorsed thereon and orders entered in each action or proceeding brought before him, such minutes to be entered in chronological order and to consist of the names of the parties and of their respective attorneys, if any, the number and classification of the action or proceeding, the name of each paper filed or writ issued and the date of such filing or issuing, each order entered and the date when entered, and for the entry of such other memoranda as the justice may deem necessary for the information of the parties to or other persons interested in the action. Such docket shall be of such size as to contain on each page thereof a space seven and three-quarters ($7\frac{3}{4}$) inches wide by twelve (12) inches in length for the making of entries, and shall contain two hundred fifty (250) pages, and one page thereof shall be devoted to the minutes of each action or proceeding: *Provided, however,* that when the entries in any action or proceeding shall occupy more than one full page the entries in excess of such page may be carried forward to a subsequent page of such docket, and in such case the page from which

18 the transfer is made shall contain a memorandum of the page to which such
19 transfer is made and the page to which such transfer is made shall contain a
20 memorandum of the page from which such transfer is made. Such dockets shall
21 be furnished by the county to each justice of the peace free of charge, the dis-
22 tribution thereof to be made by the county clerk. Each page of such docket shall
23 be ruled and lettered in substantially the manner hereinafter indicated.

Sec. 1677. ACTIONS, ETC., TO BE NUMBERED.] Every action or proceeding here-
2 after commenced before a justice of the peace shall be given a record number
3 upon the docket of such justice, which record number shall not be changed. The
4 record numbers of actions and proceedings shall extend from one (1) to ten thou-
5 sand (10,000). Such record number shall, together with the classification of the
6 action or proceeding and the title thereof, serve to identify it and to identify the
7 files and record entries thereof.

Sec. 1678. PAPER OF UNIFORM SIZE AND QUALITY TO BE USED.] There shall be
2 used in all actions and proceedings before justices of the peace in this state for
3 the preparation of all papers which may be filed in actions and proceedings before
4 them, as well as for the preparation of transcripts, paper of the same size and
5 quality as that by this act prescribed for use in courts of record.

Sec. 1679. PRINTED BLANKS—DISTRIBUTION.] In actions and proceedings be-
2 fore justices of the peace, so far as may be practicable, printed blanks shall be
3 used, which blanks shall be procured by the county clerk of each county and dis-
4 tributed by him without charge to all justices of the peace of such county and to
5 attorneys at law authorized to practice in the courts of this State and residing in
6 this State. The forms of such blanks, so far as the same are not sufficiently in-
7 dicated by the provisions of this act, shall be prescribed by the Attorney Gen-
8 eral, excepting as may be otherwise provided by this act.

Sec. 1680. **FLAT FILING SYSTEM.]** When any paper is filed with a justice of the peace it shall, under no circumstances, be folded, but the system known as “the flat filing system” shall be used in all actions and proceedings commenced before justices of the peace after the taking effect of this act.

Sec. 1681. **PAPERS FILED TO BE FASTENED TOGETHER.]** The papers filed from time to time in any action or proceeding before a justice of the peace shall be securely fastened together as received by the justice of the peace in the order in which they are so received, and shall be kept so fastened excepting when it may become necessary to use a portion thereof for the purpose of an authenticated record upon appeal or writ of certiorari, as hereinafter provided.

Sec. 1682. **FORMS OF ENTRIES PRESCRIBED TO BE FOLLOWED, BUT VARIANCE THEREFROM IMMATERIAL WHEN.]** Every justice of the peace shall enter upon his docket the memoranda of papers filed, writs issued, returns indorsed thereon and orders entered in the forms hereinafter prescribed, as near as may be, and where no form is hereinafter prescribed for any entry, the justice shall adopt such form as shall plainly indicate the meaning of the entry. But no variance from any prescribed form shall vitiate the proceedings or any part thereof, if the court in which any entry is brought in question is able to understand the effect of the order intended to be entered by the justice.

Sec. 1683. **RECITALS OF JURISDICTION.]** Every judgment against a defendant rendered by a justice of the peace shall contain a recital showing the jurisdiction of the justice over the person of such defendant. When both parties appear such recital may consist of the words “Parties appear;” when the plaintiff appears and the defendant fails to appear after due personal service of summons such recital may consist of the words “Plaintiff appears. Defendant fails to appear and is defaulted on due personal service of summons.” When the plaintiff appears and the defendant fails to appear after due publication of notice,

9 such recital may consist of the words "Plaintiff appears. Defendant fails to
10 appear and is defaulted on publication of notice."

Sec. 1684. RECITALS OF FILING OF PAPERS AND THE ISSUANCE AND RETURN OF
2 WRITS—FORMS.] The record of every action or proceeding entered in the docket of
3 a justice of the peace shall contain memoranda showing the filing of all papers
4 and the issuance of all writs in such action or proceeding, such memoranda to
5 give the name of each paper filed or writ issued and the date of the filing or is-
6 suance of the same, such date to be given in the column of the docket set apart
7 for such date. In case of the filing of any bond such memoranda shall contain
8 the name of the bond, its penalty and date and the names of the obligors. The
9 following forms of memoranda, omitting the dates thereof, provided for in this
10 section shall be deemed sufficient and shall be taken as furnishing suggestions
11 from which other memoranda may be properly framed:

12 1. ACTION FOR MONEY OTHER THAN ACTION OF ATTACHMENT OR ACTION OF DIS-
13 TRESS FOR RENT.

14 Præcipe and statement of claim for \$200 filed and summons issued for ap-
15 pearance of defendant Feb. 19, at 10 A. M.

16 Summons filed with return duly served Feb. 15.

17 Notice of appeal of defendant to circuit court of Will county filed and \$4 costs
18 paid by defendant.

19 Authenticated record and \$2 clerk's fees transmitted to clerk of circuit court
20 of Will county.

21 2. ACTION OF ATTACHMENT.

22 Præcipe and affidavit for attachment filed and attachment bond, John Doe,
23 principal, Henry Smith and Thomas Jones, sureties, for \$400 filed and approved
24 and attachment writ issued for appearance of defendant Feb. 18 at 9 A. M.

25 Writ of attachment filed with return defendant not found but writ executed
26 by levy on personal property.

27 Notice to defendant for appearance March 10, at 10 A. M., prepared and deliv-
28 ered to constable Samuel Smith.

29 March 2, notice to defendant filed by constable with endorsement of due
30 posting and mailing to defendant at Kokomo, Indiana.

31 Special execution issued against property attached, to wit: One roan horse
32 with white star in forehead.

33 Special execution filed with return of constable showing property sold and
34 \$75 applied on judgment and execution unsatisfied as to balance.

35 3. ACTION OF DISTRESS FOR RENT.

36 Præcipe, distress warrant for \$150 and inventory filed and summons issued
37 for appearance of defendant Feb. 18 at 9 A. M.

38 Summons filed with return duly served Feb. 14.

39 General and special execution issued against property distrained.

40 Execution filed with return satisfied as to \$75 and unsatisfied as to balance.

41 4. ACTION OF REPLEVIN.

42 Præcipe and affidavit for replevin value \$200 filed and replevin bond, John
43 Doe, principal, and Henry Smith and Thomas Jones, sureties, for \$400 filed and
44 approved and replevin writ issued for appearance of defendant Feb. 18, at 9 A. M.

45 Writ of replevin filed with return duly served and executed.

46 Writ of retorno habendo issued in favor of defendant against plaintiff
47 for property replevied, to-wit: One roan horse with white star in forehead
48 and costs taxed at \$5.50.

49 Writ of retorno habendo filed with return of constable showing due execu-
50 tion of same and satisfied as to costs.

51 5. QUASI CRIMINAL ACTION COMMENCED BY WARRANT.

52 Complaint of John Doe filed and warrant issued returnable instanter.

53 Warrant filed with return showing defendant arrested and brought into court.

54 Certified copy of docket entries delivered to constable William Brown for
55 execution of judgment.

56 Receipt of superintendent of house of correction filed.

57 6. CRIMINAL ACTION.

58 Complaint of John Doe filed and warrant issued returnable instanter.

59 Warrant filed with return showing defendant arrested and brought into court.

60 Notice of appeal of defendant to circuit court of Will county filed.

61 Recognizance of defendant \$400 on appeal with William Roe, surety, filed
62 and approved.

63 Authenticated record transmitted to clerk of circuit court of Will county.

Sec. 1685. NO PARTICULAR FORM OF WORDS NECESSARY TO CONSTITUTE VALID

2 JUDGMENT.] No particular form of words shall be deemed necessary to constitute
3 a valid and binding judgment of a justice of the peace. Any form of entry which
4 indicates to a person familiar with the proceedings of courts that the justice has
5 rendered a judgment in favor of one party and against the other and which also
6 indicates what the judgment is shall be deemed sufficient. Thus, for example, the
7 words "Judgment for plaintiff and against defendant for two hundred dollars
8 (\$200) and costs," or words substantially equivalent thereto, or apparently in-
9 tended to express the same meaning, when entered in the docket of the justice,
10 shall be deemed equivalent to the words "It is therefore considered by the court
11 that the plaintiff have and recover of the defendant the sum of two hundred
12 dollars (\$200) and the plaintiff's costs in and about his action expended." And
13 the words "Judgment for defendant against plaintiff for return of property re-
14 plevied, to wit: one roan horse with white star in forehead and costs" or words
15 substantially equivalent thereto, or apparently intended to express the same

16 meaning when entered in the docket of the justice shall be deemed equivalent to
 17 the words "It is therefore considered by the court that the defendant have re-
 18 turn of the property replevied, to wit: one roan horse with white star in forehead,
 19 and that the defendant have and recover of the plaintiff his costs in and about
 20 his action expended."

Sec. 1686. RECITALS OF HEARING OF EVIDENCE, FINDINGS AND JUDGMENTS—
 2 FORMS.] Every judgment against any party, whether plaintiff or defendant,
 3 other than a judgment upon the dismissal of an action by the plaintiff or
 4 upon the dismissal of an action by the court for want of prosecution, shall con-
 5 tain a recital indicating a hearing of evidence by the justice or jury, as the case
 6 may be, and a finding by the court or a verdict by the jury and the rendition of
 7 the judgment upon the finding or verdict. The following forms of entries of
 8 hearings of evidence, findings, verdicts and judgments, omitting therefrom jur-
 9 isdictional recitals, shall be deemed sufficient and shall be taken as furnishing
 10 suggestions from which other entries of hearings of evidence, findings, verdicts,
 11 and judgments may be properly framed:

12 1. JUDGMENT FOR MONEY IN FAVOR OF PLAINTIFF.

13 Evidence heard. Court finds for plaintiff and assesses damages at \$200.
 14 Judgment for plaintiff against defendant for \$200 and costs taxed at \$4.50.

15 2. JUDGMENT FOR DEFENDANT IN ACTION FOR MONEY WHEN THERE IS NO SET-OFF
 16 CLAIMED.

17 Evidence heard. Court finds for defendant, no cause of action. Judgment
 18 for defendant against plaintiff for costs taxed at \$4.

19 3. JUDGMENT FOR DEFENDANT IN ACTION FOR MONEY ON CLAIM OF SET-OFF.

20 Evidence heard. Court finds for defendant on set-off and assesses damages at
 21 \$200. Judgment for defendant against plaintiff for \$200 and costs taxed at \$4.50.

22 4. JUDGMENT AGAINST PLAINTIFF IN ACTION FOR MONEY UPON HIS DISMISSAL OF
23 HIS ACTION.

24 Action dismissed by plaintiff. Judgment for defendant against plaintiff for
25 costs taxed at \$2.

26 5. JUDGMENT AGAINST PLAINTIFF IN ACTION FOR MONEY ON DISMISSAL FOR WANT
27 OF PROSECUTION.

28 Action dismissed for want of prosecution. Judgment for defendant against
29 plaintiff for costs taxed at \$2.

30 6. JUDGMENT FOR MONEY IN FAVOR OF PLAINTIFF ON VERDICT OF JURY.

31 Jury impaneled. Evidence heard. Verdict for plaintiff for \$200. Judgment
32 for plaintiff against defendant on verdict for \$200 and costs taxed at \$8.

33 7. JUDGMENT FOR MONEY IN FAVOR OF PLAINTIFF AGAINST ONE OF SEVERAL DE-
34 FENDANTS, THE ACTION AS TO THE OTHERS NOT BEING HEARD.

35 Evidence heard as to defendant Richard Roe. Court finds for plaintiff against
36 defendant Richard Roe and assesses damages at \$200. Judgment for plaintiff
37 against defendant Richard Roe for \$200 and costs taxed at \$5.

38 8. JUDGMENT IN FAVOR OF PLAINTIFF MAKING A DEFENDANT SUBSEQUENTLY
39 SERVED A PARTY TO A PREVIOUS JUDGMENT.

40 Evidence heard as to defendant Thomas Jones. Court finds for plaintiff
41 against defendant Thomas Jones and assesses damages at \$200. Judgment for
42 plaintiff against defendant Thomas Jones as well as against defendant Rich-
43 ard Roe for \$200 and costs taxed at \$5.

44 9. JUDGMENT FOR MONEY IN FAVOR OF PLAINTIFF AGAINST ONE OF TWO DEFEND-
45 ANTS AND AGAINST PLAINTIFF AND IN FAVOR OF THE OTHER DEFENDANT FOR COSTS.

46 Evidence heard. Court finds for plaintiff against defendant Richard Roe
47 and assesses damages at \$200 and finds against plaintiff and in favor of defend-
48 ant Thomas Jones. Judgment for plaintiff against defendant Richard Roe for
49 \$200 and costs taxed at \$5 and judgment for defendant Thomas Jones against
50 plaintiff for costs taxed at \$2.

10. JUDGMENT FOR PLAINTIFF FOR POSSESSION IN FORCIBLE DETAINER.

Evidence heard. Court finds for plaintiff against defendant for possession of premises described in complaint. Judgment for plaintiff against defendant for possession of premises, to wit: Lot One (1) in Block Ten (10) in city of Joliet, Will county, Illinois, and costs taxed at \$5.

11. JUDGMENT FOR PLAINTIFF FOR POSSESSION AND RENT IN FORCIBLE DETAINER.

Evidence heard. Court finds for plaintiff against defendant for possession of premises described in complaint and \$100 rent. Judgment for plaintiff against defendant for possession of premises, to wit: Lot One (1) in Block Ten (10) in City of Joliet, Will county, Illinois, and \$100 rent and costs taxed at \$6.

12. JUDGMENT IN FORCIBLE DETAINER UPON VERDICT OF JURY IN FAVOR OF PLAINTIFF AS TO PART OF PREMISES AND IN FAVOR OF DEFENDANT AS TO REMAINDER OF PREMISES.

Jury impaneled. Evidence heard. Verdict for plaintiff for possession of North $\frac{1}{2}$ of Lot One (1) in Block Ten (10) in the city of Joliet, Will county, Illinois, and for defendant as to South $\frac{1}{2}$ of said Lot. Judgment on verdict for plaintiff against defendant for possession of North $\frac{1}{2}$ of Lot One (1) in Block Ten (10) in the city of Joliet, Will county, Illinois, and judgment for defendant against the plaintiff as to the South $\frac{1}{2}$ of said Lot One (1) in said Block Ten (10) and judgment for plaintiff against defendant for costs taxed at \$3.

13. JUDGMENT FOR PLAINTIFF IN QUASI CRIMINAL ACTION COMMENCED BY WARRANT.

Evidence heard. Finding for plaintiff against defendant for \$25 fine. Judgment for plaintiff against defendant on finding for \$25 fine and costs taxed at \$3, defendant to stand committed to Joliet house of correction until fine and costs are paid or worked out or defendant discharged according to law.

77 14. JUDGMENT IN FAVOR OF PEOPLE IN CRIMINAL ACTION UPON PLEA OF GUILTY.

78 Defendant pleads guilty. Defendant sentenced to pay fine of \$50 and costs
79 taxed at \$3 and to stand committed to county jail until fine and costs are paid or
80 defendant discharged according to law

81 15. JUDGMENT IN FAVOR OF PEOPLE IN CRIMINAL ACTION UPON TRIAL BY COURT.

82 Evidence heard. Court finds defendant guilty. Defendant sentenced to pay
83 fine of \$50 and costs taxed at \$3 and to stand committed to work-house of city of
84 Joliet until fine and costs are paid or worked out or defendant discharged ac-
85 cording to law.

Sec. 1687. FORM OF JUSTICE'S DOCKET WITH ILLUSTRATION OF MANNER OF MAK-
2 ING ENTRIES THEREIN.] The following form will serve as an illustration of the
3 manner in which the docket of a justice of the peace is to be ruled and lettered and
4 of the manner of making entries therein, the printed lettering being indicated by
5 words in capitals or small capitals:

NAME OF JUSTICE OF THE PEACE		NUMBER OF ACTION	CLASSIFICATION OF ACTION
Henry Brown, Esq.		75	Forcible Detainer.
John Doe v. Richard Roe.		MEMORANDA	
		William Smith, plaintiff's attorney	
DATE	PAPERS FILED—WRITS ISSUED ORDERS ENTERED		
1908.			
Feb 10	Præcipe and statement of claim filed. Summons issued for appearance defendant February 19 at 9 A. M.		
Feb. 17	Summons filed with return of due service Feb. 14.		
Feb. 19	9 A. M. Parties appear. Evidence heard. Court finds for plaintiff against defendant for possession of premises described in statement of claim. Judgment for plaintiff against defendant for possession of premises, to-wit: Lot one (1) Block ten (10) in city of Joliet, Will county, Illinois, and costs taxed at \$5.		
Feb. 21	Notice of appeal of defendant to circuit court of Will county filed and \$4 cost paid by defendant. Appeal bond \$600, Richard Roe, principal, Thomas Jones, surety, filed and approved.		
Feb. 24	Authenticated record and \$2 clerk's fees transmitted to clerk of circuit court of Will county.		

DIVISION LXVIII.

APPEALS FROM AND WRITS OF CERTIORARI TO JUSTICES OF THE PEACE.

SECTION

- 1688. Appeals in civil and quasi criminal actions—to what courts taken.
- 1689. How appeal taken in civil action—stay of proceedings—form of notice of appeal.
- 1690. Condition of appeal bond—form.
- 1691. Attorney deemed authorized to execute appeal bond in name of client.
- 1692. Penalty of appeal bond.
- 1693. Deposit by party appealing from judgment in his favor.
- 1694. Deposit of money in lieu of appeal bond—form of certificate.
- 1695. How appeal taken in quasi criminal action—form of recognizance.
- 1696. Appeal without stay of proceedings.
- 1697. Stay of proceedings after appeal.
- 1698. Appeal in criminal action— to what courts taken.
- 1699. How appeal taken in criminal action— form of recognizance.

SECTION

- 1700. Certiorari—petition—form.
- 1701. Order for writ.
- 1702. Bond and deposit.
- 1703. Form of bond for stay of proceedings.
- 1704. Certificate of deposit—form.
- 1705. Issuance of writ—form.
- 1706. Summons—form.
- 1707. Service of summons—alias summons.
- 1708. Appearance of parties summoned.
- 1709. Who may appeal or sue out writ of certiorari.
- 1710. Provisions for appeal, etc., to be liberally construed.
- 1711. Matters not provided for.
- 1712. Authenticated record—how made up— form of certificate.
- 1713. Clerk to file authenticated record, etc.
- 1714. Appearance of opposite party.

Sec. 1688. APPEALS IN CIVIL AND QUASI CRIMINAL ACTIONS—TO WHAT COURTS
 2 TAKEN.] An appeal from a judgment of a justice of the peace in a civil or quasi
 3 criminal action, other than a judgment entered by confession, may be taken to
 4 the circuit court or county court of the county, or to the city court of the city, in
 5 which the court of such justice of the peace is held and in the county of Cook such
 6 appeal may also be taken to the superior court of said county: *Provided, how-*
 7 *ever,* that every appeal in the county of Cook in a quasi criminal action shall be
 8 taken to the criminal court of Cook county.

Sec. 1689. HOW APPEAL TAKEN IN CIVIL ACTION—STAY OF PROCEEDINGS—FORM
 2 OF APPEAL NOTICE.] When the appeal is from a judgment in a civil action or quasi
 3 criminal action other than one brought by a municipal corporation to recover a

4 fine or penalty for the violation of a municipal ordinance, it may be perfected at
5 any time within twenty days after the rendition of the judgment by the tendering
6 to the justice of the peace, by the party appealing, either an appeal bond with
7 good and sufficient security, or a deposit of money as hereinafter provided, and
8 also tendering to such justice of the peace a notice of appeal, which notice shall
9 specify the justice of the peace before whom the action is pending, the title of the
10 action, the classification and number thereof and be signed by the party taking the
11 appeal or his attorney, to be filed by the justice in the action in which the appeal
12 is taken, and by paying to the justice the sum of four dollars (\$4) in cash, of which
13 amount two dollars (\$2) shall be retained by said justice as his fees for an au-
14 thenticated record of the proceedings and the remaining two dollars (\$2) of said
15 amount shall be transmitted by said justice to the clerk of the court appealed to as
16 the costs of such clerk, together with the authenticated record of the proceedings
17 before the justice of the peace: *Provided, however,* that in case of an appeal
18 from a judgment in an action of forcible detainer such appeal bond and notice
19 of appeal shall be tendered within five days after the rendition of the judg-
20 ment appealed from. An appeal, when so perfected, shall operate as a
21 stay of proceedings under the judgment appealed from until the determination of
22 such appeal or until the further order of the court appealed to. But no appeal
23 bond, or other bond of any kind or character or payment of fees or costs, shall be
24 required of the state or of any county, city, village, incorporated town, school dis-
25 trict or other municipal corporation or of the corporation of any charitable, edu-
26 cational, penal or reformatory institution under the patronage or control of the
27 state, or of any public officer when suing or defending in his official capacity
28 for the benefit of the public, whether the judgment appealed from be one in favor
29 of or against the party appealing, but an appeal by any such party shall be deemed
30 perfected upon the filing of the notice provided for in this section. The follow-
31 ing shall be deemed a sufficient form of notice of appeal and shall be taken as fur-
32 nishing suggestions from which other notices of appeal may be properly framed:

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

John Doe
v.
Richard Roe. } Action for Money. No. 25.

NOTICE OF APPEAL.

Notice is hereby given that an appeal has been taken by the defendant to the county court of Will county in the above entitled action.

RICHARD ROE, *Defendant*.

Sec. 1690. CONDITION OF APPEAL BOND—FORM.] Every appeal bond in the

case of an appeal from a judgment of a justice of the peace rendered against the party appealing, in any action provided for in the preceding section, shall be conditioned that the party or parties appealing shall prosecute his or their appeal with effect and perform whatever judgment shall be rendered against him or them by the court appealed to upon the trial of said appeal or by consent, or that, in case the appeal is dismissed, the party or parties appealing will perform the judgment rendered against him or them by such justice of the peace and will pay all costs and damages which may be awarded against such party or parties in the court appealed to. The condition in an appeal bond requiring the performance by the party appealing of whatever judgment shall be rendered against him by the court appealed to or of the judgment appealed from shall be construed as requiring the payment of the money or delivery of possession of the property required to be paid or delivered by such judgment, or the performance of any act required by such judgment to be performed by the party prosecuting such appeal and, in case of an appeal from a judgment for the possession of property, real or personal, or for the performance of any act, also damages or rent for the detention of such possession, or for non-performance of such act, as the case may be, during the time of the pendency of or because of such appeal. The following form of appeal bond, with the approval of the justice endorsed thereon, shall be deemed a sufficient compliance with the provisions of this act and

22 shall be taken as furnishing suggestions from which other appeal bonds may
 23 be properly framed:

24 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

25 John Doe
 v.
 26 Richard Roe. } Action for Money. No. 25.

27 **APPEAL BOND.**

28 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, Henry Roe and
 29 David Roe, are held and firmly bound unto John Doe, in the penal sum of three
 30 hundred dollars (\$300) for the payment of which well and truly to be made we
 31 bind ourselves, our heirs, executors and administrators, jointly and severally,
 32 firmly by these presents.

33 WITNESS our hands and seals this 24th day of February, 1908.

34 The condition of the above obligation is such that whereas the above named
 35 John Doe did, on the 17th day of February, 1908, obtain before Henry Brown,
 36 Esq., Justice of the Peace of Will county, Illinois, a judgment against the above
 37 bounden Richard Roe for the sum of two hundred dollars (\$200) and costs of
 38 the action, from which said judgment said Richard Roe has taken an appeal to the
 39 county court of Will county, Illinois:

40 Now, therefore, if the said Richard Roe shall prosecute his appeal with effect
 41 and perform whatever judgment shall be rendered against him upon the trial of
 42 such appeal or by consent, or, in case the appeal be dismissed, will perform the
 43 judgment rendered against him by such justice of the peace and will pay all costs
 44 and damages which may be awarded against him in said county court, then this
 45 obligation is to be void; otherwise the same is to be and remain in full force and
 46 effect.

47 RICHARD ROE [SEAL.]

48 HENRY ROE [SEAL.]

49 DAVID ROE [SEAL.]

50 Approved February 24, 1908.

51 HENRY BROWN, J. P.

Sec. 1691. ATTORNEY DEEMED AUTHORIZED TO EXECUTE APPEAL BOND IN NAME
 2 OF CLIENT.] Any attorney at law of record of any party or parties appealing shall
 3 be deemed to have full power and authority to execute any appeal bond for the
 4 purpose of such appeal in the name of such party or parties, and any bond so ex-
 5 ecuted shall be as binding upon such party or parties so appealing as if the same
 6 had been executed in person, or the execution thereof had been expressly author-
 7 ized by the party or parties so appealing.

Sec. 1692. PENALTY OF APPEAL BOND.] The penalty of an appeal bond in the
 2 case of an appeal from a judgment of a justice of the peace in a civil or quasi
 3 criminal action shall be as follows:

4 *First*—JUDGMENT FOR MONEY.] If the judgment appealed from be one for the
 5 recovery or payment of money the penalty of the bond shall be a sum twenty per
 6 cent. more than the amount, including costs, recovered or required to be paid by
 7 such judgment.

8 *Second*—JUDGMENT FOR PERSONAL PROPERTY.] If the judgment be for the re-
 9 covery or delivery of personal property the penalty of the bond shall be an
 10 amount thirty per cent. in excess of the value of the property re-
 11 covered or required to be delivered by such judgment, such value to be ascer-
 12 tained by the justice from the evidence heard before him or such other evidence
 13 as he may deem sufficient for that purpose, and of the amount of the costs
 14 awarded against the party appealing.

15 *Third*—JUDGMENT FOR POSSESSION OF REAL ESTATE.] If the judgment appealed
 16 from be one for the recovery or delivery of possession of real estate the penalty of
 17 the bond shall be such amount, to be fixed by the justice, as shall be thirty per
 18 cent. in excess of the rental value of such real estate for one year, and if such
 19 judgment be also for the recovery or payment of money there shall be added to
 20 such penalty a sum twenty per cent. in excess of the amount of money, includ-
 21 ing costs, recovered by the judgment.

22 But the penalty of an appeal bond or of any recognizance hereinafter pro-
 23 vided for, shall be not less than one hundred dollars (\$100), and the same, if more
 24 than one hundred dollars (\$100), shall be some multiple thereof.

Sec. 1693. DEPOSIT BY PARTY APPEALING FROM JUDGMENT IN HIS FAVOR.] Any
 2 party appealing from a judgment rendered by a justice of the peace in his favor
 3 shall, at the time of filing his notice of appeal, in lieu of the execution of an ap-
 4 peal bond, deposit with the justice of the peace the sum of four dollars (\$4) in
 5 cash, of which amount two dollars (\$2) shall be retained by such justice as his
 6 fees for a transcript and the remaining two dollars (\$2) of said amount shall be
 7 transmitted by said justice to the clerk of the court appealed to as costs of such
 8 clerk, together with the authenticated record of the proceedings before the justice
 9 of the peace.

Sec. 1694. DEPOSIT OF MONEY IN LIEU OF APPEAL BOND—FORM OF CERTIFICATE.]
 2 Any party appealing from a judgment of a justice of the peace, other than one in
 3 his favor, may, in lieu of filing an appeal bond as hereinbefore provided for, de-
 4 posit with the justice of the peace appealed from an amount of money equal to the
 5 penalty of the appeal bond in such case required, to be received by such justice as
 6 security, in lieu of an appeal bond, that the party appealing will prosecute his ap-
 7 peal with effect and perform whatever judgment shall be rendered against him
 8 by the court appealed to upon the trial of said appeal or by consent, or that, in case
 9 the appeal be dismissed, the party appealing will perform the judgment rendered
 10 against him by such justice of the peace and will pay all costs and damages which
 11 may be awarded against such party in the court appealed to. Such party shall
 12 also pay to the justice the sum of four dollars (\$4) in cash, of which amount two
 13 dollars (\$2) shall be retained by the said justice as his fees for an authenticated
 14 record of the proceedings, and the remaining two dollars (\$2) of said amount,
 15 together with the money deposited with said justice as security as above provided,
 16 shall be transmitted by said justice to the clerk of the court appealed to, together

17 with the authenticated record of the proceedings before the justice of the peace.
 18 In case the party appealing shall not prosecute his appeal with effect and perform
 19 whatever judgment shall be rendered against him by the court appealed to upon
 20 the trial of said appeal or by consent, or, in case the appeal is dismissed, shall not
 21 perform the judgment rendered against him by the justice of the peace and pay
 22 all costs and damages which may be awarded against such party in the court
 23 appealed to, the money deposited as security as aforesaid shall be applied by the
 24 clerk, under the direction of the court appealed to, in satisfaction, so far as the
 25 same may extend, of whatever judgment may be rendered against the party ap-
 26 pealing by the court appealed to upon the trial of said appeal or by consent, or in
 27 case the appeal is dismissed, in satisfaction, so far as the same may extend, of the
 28 judgment rendered against the party appealing from the justice of the peace and
 29 in payment of all costs and damages which may be awarded against the party ap-
 30 pealing in the court appealed to and all other damages to which the opposite party
 31 may be entitled by reason of such appeal or of the non-performance, by the party
 32 appealing, of the judgment appealed from. If, after the application of the de-
 33 posit as aforesaid, any balance thereof shall remain unexpended, the same shall
 34 be paid over under the direction of the court to the party appealing. Upon the
 35 making of any such deposit the justice of the peace shall issue to the party appeal-
 36 ing a certificate which may be in substantially the following form:

37 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

38 John Doe	} Action for Money. No. 25.
39 v.	
40 Richard Roe.	

41 CERTIFICATE OF DEPOSIT.

42 This is to certify that Richard Roe, the defendant in the above entitled ac-
 43 tion, has this day deposited with the undersigned, a justice of the peace of Will
 44 county, the sum of three hundred dollars (\$300), which said deposit is made as se-
 45 curity that said Richard Roe will prosecute with effect the appeal which he has
 46 taken in the above entitled action from the judgment rendered by me on or about

the 12th day of February, 1908, and shall perform whatever judgment may be rendered against him by the court appealed to upon the trial of such appeal, or, in case the appeal be dismissed, shall perform the judgment rendered against him by me and shall pay all costs and damages which may be awarded against such party or parties in the court appealed to.

Dated Joliet, Illinois, February 24, 1908.

HENRY BROWN, *J. P.*

Sec. 1695. HOW APPEAL TAKEN IN QUASI CRIMINAL ACTION—FORM OF RECOGNIZANCE.] When the appeal is from a judgment in a quasi criminal action brought by a municipal corporation for the violation of a municipal ordinance, it may be perfected at any time within twenty days after the rendition of the judgment in the same manner hereinbefore provided for perfecting an appeal from a judgment in a civil action, or quasi criminal action other than one brought by a municipal corporation to recover a fine or penalty for the violation of a municipal ordinance, or, at the election of the defendant, it may be perfected by tendering to the justice of the peace a notice of appeal and the payment to the justice of the sum of four dollars (\$4) in cash as hereinbefore provided for to be disposed of by said justice in the manner hereinbefore provided, and the entering into by the defendant, with good and sufficient sureties, of a recognizance in a sum twenty per cent. more than the amount, including costs, of the judgment recovered, conditioned that the defendant shall personally be and appear before the court appealed to on the date to be specified in such recognizance, which shall not be more than twenty (20) days nor less than ten (10) days from the day of the filing of the notice of the appeal, and from day to day thereafter until the final judgment of such court in said action, and abide the order of said court in all things and not depart the same without leave. The following form of recognizance provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other forms of recognizances may be properly framed:

22 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

23 The City of Joliet }
 24 v. } Warrant. No. 50.
 25 Richard Roe.

26 RECOGNIZANCE.

27 This day personally appeared before the undersigned, a justice of the peace of
 28 Will county, Illinois, Richard Roe, as principal, and Thomas Jones and William
 29 Smith, as sureties, and jointly and severally acknowledged themselves to owe and
 30 to be indebted unto the city of Joliet in the penal sum of one hundred dollars
 31 (\$100), to be levied of their goods and chattels. lands and tenements, respectively,
 32 in such manner as the law directs.

33 The condition of this recognizance is such that, if the above bounden Richard
 34 Roe shall personally be and appear before the county court of Will county, at the
 35 county court house in Joliet, in said county, on the 20th day of March, 1908, and
 36 from day to day thereafter until the final judgment of the court in the appeal
 37 taken by said Richard Roe from the judgment rendered by me on or about the 12th
 38 day of February, 1908, in the above entitled action, and abide the order of said
 39 court in all things and not depart the same without leave, then this recognizance is
 40 to be void; otherwise the same is to be and remain in full force and effect.

41 Witness our hands and seals at Joliet, Illinois, this 24th day of February, 1908.

42 RICHARD ROE [SEAL.]

43 THOMAS JONES [SEAL.]

44 WILLIAM SMITH [SEAL.]

45 Taken, acknowledged and entered into before me this 24th day of February,
 46 1908.

47 HENRY BROWN, J. P.

Sec. 1696. APPEAL WITHOUT STAY OF PROCEEDINGS.] When the party appealing
 2 does not desire a stay of proceedings pending the determination of the appeal, and
 3 the appeal is from a judgment in a civil action, or quasi criminal action other than

one brought by a municipal corporation for the violation of a municipal ordinance, such appeal may be perfected at any time within twenty (20) days after the rendition of the judgment by tendering to the justice of the peace a notice of appeal in the form hereinbefore prescribed and by paying to the justice the sum of four dollars (\$4) in cash, of which amount two dollars (\$2) shall be retained by said justice as his fees for an authenticated record of the proceedings, and the remaining two dollars (\$2) of said amount shall be transmitted by said justice to the clerk of the court appealed to as the costs of such clerk, together with the authenticated record of the proceedings before the justice of the peace.

Sec. 1697. STAY OF PROCEEDINGS AFTER APPEAL.] Any party having perfected an appeal without a stay of proceedings may, at any time before the final determination of the appeal in the court appealed to, obtain such stay of proceedings by executing and filing in the court appealed to a bond with security to be approved by the court appealed to, the penalty and condition thereof to be the same, as near as may be, as hereinbefore provided for an appeal bond upon an appeal from a justice of the peace with a stay of proceedings. Upon the execution, approval and filing of such appeal bond, the clerk of the court appealed to shall transmit by mail or otherwise to the justice of the peace a certificate that such proceedings have been stayed and the same shall be stayed accordingly.

Sec. 1698. APPEAL IN CRIMINAL ACTION—TO WHAT COURTS TAKEN.] An appeal from a judgment of a justice of the peace in a criminal action may be taken by the defendant to the circuit court or county court of the county or to the city court of the city in which the court of such justice of the peace is held: *Provided, however*, that every appeal from a justice of the peace in the county of Cook in a criminal action shall be taken to the criminal court of Cook county.

Sec. 1699. HOW APPEAL TAKEN IN CRIMINAL ACTION—FORM OF RECOGNIZANCE.] An appeal from a justice of the peace in a criminal action may be perfected at

any time within twenty (20) days after the rendition of the judgment in the same manner as is provided in this act with respect to an appeal in a civil action: *Provided, however,* that the defendant taking an appeal as aforesaid shall not be required to pay to the justice the fees of the clerk of the court appealed to or the fees of said justice for the authenticated record of the proceedings. Such appeal may also be taken by the defendant by his tendering to the justice of the peace, within twenty (20) days after the entry of the judgment, a notice of appeal and the entering into by the defendant, with good and sufficient sureties, of a recognizance in double the amount, including costs, of the judgment, conditioned that the defendant shall personally be and appear before the court appealed to on a date to be specified in such recognizance, which date shall be not more than twenty (20) nor less than ten (10) days from the date of the filing of the notice of the appeal, and from day to day thereafter until the final judgment of such court in said action, and abide the order of said court in all things and not depart the same without leave. The following form of recognizance provided for in this section shall be deemed sufficient and shall be taken as furnishing suggestions from which other forms of recognizances may be properly framed:

BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

21	The People of the	} Criminal. No. 45.
22	State of Illinois	
23	v.	
24	Richard Roe.	

25 RECOGNIZANCE.

26 This day personally appeared before the undersigned, a justice of the peace
 27 of Will county, Illinois, Richard Roe, as principal, and Thomas Jones and Wil-
 28 liam Smith, as sureties, and jointly and severally acknowledged themselves to
 29 owe and to be indebted unto the People of the State of Illinois in the penal sum
 30 of one hundred dollars (\$100), to be levied of their goods and chattels, lands and
 31 tenements, respectively, in such manner as the law directs.

32 The condition of this recognizance is such that, if the above bounden Richard
33 Roe shall personally be and appear before the county court of Will county, at
34 the county court house in Joliet, in said county, on the 20th day of March, 1908,
35 and from day to day thereafter until the final judgment of the court in the appeal
36 taken by said Richard Roe from the judgment rendered by me on or about the
37 12th day of February, 1908, in the above entitled action, and abide the order of
38 said court in all things and not depart the same without leave, then this recog-
39 nizance is to be void; otherwise the same is to be and remain in full force and
40 effect.

41 Witness our hands and seals at Joliet, Illinois, this 24th day of February,
42 1908.

43 RICHARD ROE [SEAL.]

44

THOMAS JONES [SEAL.]

45 WILLIAM SMITH [SEAL.]

46 Taken, acknowledged and entered into before me this 24th day of February,
47 1908.

48 HENRY BROWN, *J. P.*

Sec. 1700. CERTIORARI—PETITION—FORM.] The courts to which appeals may
2 be taken from justices of the peace shall have power, within their respective juris-
3 dictions, and it shall be their duty, upon petition made as hereinafter mentioned,
4 to grant writs of certiorari to remove actions from before justices of the peace
5 into said courts. Application for a writ of certiorari may be made by a petition
6 to the court to which it is proposed to remove the action. Such petition shall
7 specify the court in which the same is filed, the names of the parties to the action
8 and the classification and number thereof and shall be described as a petition
9 for a certiorari to a justice of the peace, and shall be divided into paragraphs
10 numbered consecutively, each alleging, as near as may be, a single fact. It shall
11 set forth the obtaining of the judgment, the date thereof, the justice of the peace

12 before whom the same was obtained and describe the same. It shall allege that,
 13 in the opinion of the party applying for the writ of certiorari, such judgment is
 14 unjust and erroneous and that it was not in the power of the party to take an ap-
 15 peal in the ordinary way, setting forth the particular circumstances which pre-
 16 vented the party from so taking an appeal. The following form of petition for a
 17 certiorari shall be deemed sufficient and shall be taken as furnishing suggestions
 18 from which other petitions may be properly framed:

19 IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

20 John Doe
 21 v.
 22 Richard Roe. } Certiorari to J. P. No. 30.

23 PETITION FOR A WRIT OF CERTIORARI.

24 The defendant says:

25 1. That on February 12, 1908, the plaintiff recovered a judgment for two
 26 hundred dollars (\$200) and costs against the defendant before Henry Brown, a
 27 justice of the peace of Will county, Illinois.

28 2. That in the opinion of the defendant said judgment is unjust and erroneous.

29 3. That it was not in the power of the defendant to perfect an appeal from
 30 said judgment in the ordinary way because (here set forth the circumstances
 31 which prevented defendant from taking an appeal).

32 Wherefore defendant prays for the issuance of a writ of certiorari.

33 RICHARD ROE.

34 Richard Roe, the defendant, on his oath says that the foregoing petition by
 35 him subscribed is true in substance and in fact.

36 Subscribed and sworn to before me this 15th day of March, 1908.

37 WILLIAM SMITH, *Clerk*.

38 NOTE.

39 If the petition is signed and sworn to by the agent or attorney of the party
 40 the above form may be varied from accordingly.

Sec. 1701. ORDER FOR WRIT.] Upon the filing of such petition the clerk shall
 2 enter the action on the register and minute book, and the court, upon the applica-
 3 tion of the party filing the petition, if of the opinion that the petition is sufficient
 4 to entitle the party to the writ, shall enter an order for the issuance thereof upon
 5 compliance by the party applying for such writ with the provisions of this act;
 6 otherwise the petition shall be dismissed. An order directing the issuance of any
 7 such writ of certiorari shall be final and conclusive and shall not be subject to re-
 8 view upon appeal or writ of error.

Sec. 1702. BOND AND DEPOSIT.] If the party suing out the writ of certiorari
 2 desire a stay of proceedings under the judgment of the justice of the peace until
 3 the determination of the action, or until the further order of the court from
 4 which the same is sued out, he shall, before the issuance of the writ, file with the
 5 clerk a bond, with good and sufficient security to be approved by the clerk, con-
 6 ditioned, as near as may be, as an appeal bond in the case of an appeal from the
 7 judgment of a justice of the peace, or make a deposit with the clerk of money in
 8 lieu of a bond to the same amount and for the same purpose as a deposit in lieu
 9 of an appeal bond upon an appeal from a judgment of a justice of the peace, and
 10 he shall also pay to the clerk the sum of four dollars (\$4) in cash, of which amount
 11 two dollars (\$2) shall be retained by said clerk as the costs of such clerk and the
 12 remaining two dollars (\$2) shall be transmitted by said clerk to the justice of the
 13 peace before whom the judgment was obtained, together with the writ of cer-
 14 tiorari, as the costs of such justice of the peace for the making of the authenti-
 15 cated record of the proceedings in the action. If the party suing out the writ of
 16 certiorari does not desire a stay of proceedings pending the determination of the
 17 writ of certiorari, the party suing out the writ of certiorari shall pay to the clerk
 18 of the court the sum of four dollars (\$4) in cash, of which amount two dollars (\$2)
 19 shall be retained by said clerk as the fees of such clerk in the action and the
 20 remaining two dollars (\$2) of said amount shall be transmitted by said clerk to

21 the justice of the peace, together with the writ of certiorari, as the fees of such
 22 justice for the preparing and transmitting of the authenticated record of the pro-
 23 ceedings, but such party shall not be required to file any bond.

Sec. 1703. FORM OF BOND FOR STAY OF PROCEEDINGS.] The following form of
 2 bond in the case of a writ of certiorari to a justice of the peace, when the party
 3 suing out the writ desires a stay of proceedings, shall be deemed a sufficient com-
 4 pliance with the provisions of this act and shall be taken as furnishing sugges-
 5 tions from which other bonds may be properly framed:

6 IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

7 John Doe }
 8 v. } Certiorari to J. P. No. 30.
 9 Richard Roe. }

10 BOND FOR STAY OF PROCEEDINGS.

11 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, as principal, and
 12 Henry Roe and David Roe, as sureties, are held and firmly bound unto John Doe,
 13 in the penal sum of three hundred dollars (\$300), for the payment of which well
 14 and truly to be made we bind ourselves, our heirs, executors and administrators,
 15 jointly and severally, firmly by these presents.

16 Witness our hands and seals this 15th day of March, 1908.

17 The condition of the above obligation is such that whereas the above named
 18 John Doe did, on the 17th day of February, 1908, obtain before Henry Brown,
 19 Esq., Justice of the Peace of Will county, Illinois, a judgment against the above
 20 bounden Richard Roe for the sum of two hundred dollars (\$200) and the costs
 21 of the action, to remove which said judgment to the circuit court of Will county,
 22 Illinois, said Richard Roe has sued out of said court a writ of certiorari:

23 Now, therefore, if the said Richard Roe shall prosecute his writ of certiorari
 24 with effect and perform whatever judgment shall be rendered against him upon

25 the trial of such action or by consent, or in case the writ of certiorari is quashed
 26 or the petition therefor is dismissed, will perform the judgment rendered against
 27 him by such justice of the peace and will pay all costs and damages which may be
 28 awarded against him in said circuit court, then this obligation is to be void;
 29 otherwise the same is to be and remain in full force and effect.

30 RICHARD ROE. [SEAL.]

31 HENRY ROE. [SEAL.]

32 DAVID ROE. [SEAL.]

33 Approved March 15, 1908.

34 WILLIAM SMITH, *Clerk*.

Sec. 1704. CERTIFICATE OF DEPOSIT—FORM.] Upon the making of any deposit
 2 in lieu of a bond, as hereinbefore provided, the clerk of the court shall issue to
 3 the party suing out the writ of certiorari a certificate which may be in substan-
 4 tially the following form:

5 IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

6 John Doe
 7 v.
 8 Richard Roe. } Certiorari to J. P. No. 30.

9 CERTIFICATE OF DEPOSIT.

10 This is to certify that Richard Roe, the defendant in the above entitled ac-
 11 tion, has this day deposited with the undersigned, clerk of the circuit court of
 12 Will county, Illinois, the sum of three hundred dollars (\$300), which said deposit
 13 is made as security that said Richard Roe will prosecute with effect the writ of
 14 certiorari which he has sued out in the above entitled action to obtain relief from
 15 a judgment rendered against him and in favor of John Doe by Henry Brown,
 16 Esq., Justice of the Peace of Will county, Illinois, on or about the 17th day of
 17 February, 1908, and shall perform whatever judgment may be rendered against
 18 him by said circuit court of Will county upon the trial of such action or, in case
 19 the writ of certiorari is quashed or the petition is dismissed, shall perform the

20 judgment rendered against him by said justice of the peace and shall pay all costs
 21 and damages which may be awarded against him in said circuit court of Will
 22 county.

23 Dated Joliet, Illinois, March 15, 1908.

24 WILLIAM SMITH, *Clerk*.

Sec. 1705. ISSUANCE OF WRIT—FORM.] Upon compliance by the party suing
 2 out the writ of certiorari with the provisions of the preceding section seventeen
 3 hundred and two (1702) the clerk of the court shall issue a writ of cer-
 4 tiorari, directed to the justice of the peace, and shall transmit the same by mail,
 5 postage prepaid, to said justice of the peace, together with a check or draft for
 6 the fees of such justice and such justice shall thereupon forthwith return to such
 7 clerk by mail, postage prepaid, a properly authenticated record of the proceed-
 8 ings in the action. Such writ of certiorari may be in substantially the follow-
 9 ing form:

10 IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

11	John Doe	} Certiorari to J. P. No. 30.
12	v.	
13	Richard Roe.	

14 WRIT OF CERTIORARI.

15 The People of the State of Illinois —GREETING to Henry Brown, Esq., Justice of
 16 the Peace of Will county:

17 You are hereby commanded to forthwith transmit to the clerk of the circuit
 18 court of Will county, Illinois, a properly authenticated record of the proceedings
 19 before you pertaining to a judgment for the sum of two hundred dollars (\$200)
 20 and the costs of the action rendered by you on or about the 17th day of Febru-
 21 ary, 1908, in favor of John Doe, as plaintiff, and against Richard Roe, as defend-
 22 ant.

26

NOTE.

27 If the party obtaining the writ has also obtained a stay of proceedings, the
28 above form may be varied from by adding after the words "as defendant" the
29 following: "The proceedings under the judgment are stayed."

Sec. 1706. SUMMONS—FORM.] The clerk upon issuing such writ of certiorari shall also issue and deliver to the party suing out the writ a summons to the other party or parties to the action, including interveners, requiring the appearance of such party or parties on some Monday, not less than five (5) nor more than twenty (20) days after the date thereof, as the party suing out the writ of certiorari may direct. Such summons may be in substantially the following form:

8 IN THE CIRCUIT COURT OF WILL COUNTY, ILLINOIS.

9 John Doe
10 v.
11 Richard Roe. } Certiorari to J. P. No. 30.

12 SUMMONS.

13 The People of the State of Illinois—GREETING to John Doe:

14 You are hereby commanded to appear in person, or by attorney, before the
15 circuit court of Will county, Illinois, at the county court-house in Joliet, in said
16 county, on Monday, the 6th day of April, 1908, in the above entitled action, in
17 which a writ of certiorari has been issued out of said circuit court, directed to
18 Henry Brown, Esq., a justice of the peace of Will county, Illinois.

19 Witness William Smith, clerk of said circuit court, and the seal thereof, at
20 Joliet, Illinois, this 15th day of March, 1908.

21 WILLIAM SMITH, *Clerk.*

Sec. 1707. SERVICE OF SUMMONS—ALIAS SUMMONS.] The summons provided
 2 for in the preceding section may be served in the same manner and by the same
 3 officers or persons as is provided in this act for the service of a summons in an
 4 action at law. There shall be attached to the copy of the summons served upon the
 5 opposite party a copy of the petition for a writ of certiorari and of the bond or
 6 certificate of deposit, as the case may be, if any, hereinbefore provided for. If the
 7 summons be not served prior to the time fixed therein for the appearance of the
 8 party summoned an alias or pluries summons may be issued as in other actions at
 9 law in a court of record.

Sec. 1708. APPEARANCE OF PARTIES SUMMONED.] In every case of a writ of
 2 certiorari to a justice of the peace the party summoned shall enter his appear-
 3 ance in writing in the court from which the writ has issued on or before the
 4 Thursday succeeding the day fixed in the summons for his appearance, in case the
 5 summons shall be served five days or more prior to the day fixed in the summons
 6 for such appearance, or, on the Monday succeeding such day so fixed for his ap-
 7 pearance, in case the summons shall be served less than five days before the day
 8 fixed therein for such appearance. In default of such appearance, if such party
 9 be the plaintiff or an intervener, the action, or the claim of the intervener, as the
 10 case may be, may be dismissed for want of prosecution, or, if such party be the
 11 defendant, a default may be entered against him or the party suing out the writ
 12 of certiorari may proceed with the action to a final determination thereof.

Sec. 1709. WHO MAY APPEAL OR SUE OUT WRIT OF CERTIORARI.] Any one or
 2 more of several plaintiffs or defendants or interveners may prosecute an ap-
 3 peal from or a writ of certiorari to a justice of the peace upon compliance, as
 4 near as may be, with the provisions of the preceding section pertaining to such
 5 appeals and writs of certiorari.

Sec. 1710. PROVISIONS FOR APPEAL, ETC., TO BE LIBERALLY CONSTRUED.] All the
 2 provisions of this act in relation to appeals from and writs of certiorari to jus-

3 tices of the peace shall be liberally construed in favor of the party prosecuting,
 4 or attempting to prosecute, an appeal or writ of certiorari, and no such appeal
 5 shall be dismissed, or writ of certiorari quashed, or the petition therefor dis-
 6 missed, on account of any error or mistake in the proceedings pertaining thereto,
 7 when it shall be made to appear to the court to which such appeal is taken, or at-
 8 tempted to be taken, or from which such writ of certiorari is prosecuted, or at-
 9 tempted to be prosecuted, that the same was intended to be taken or prosecuted
 10 in good faith, and that there is reasonable ground for the belief that the judg-
 11 ment of the justice of the peace is erroneous and unjust.

Sec. 1711. MATTERS NOT PROVIDED FOR.] The procedure in cases of appeals
 2 from and writs of certiorari to justices of the peace, so far as the same may not
 3 be prescribed by this act, both in civil, quasi criminal and criminal cases, shall be
 4 the same, as near as may be, as the procedure prescribed by the laws in force at
 5 the time of the taking effect of this act, subject to such modifications as may ap-
 6 pear to be necessary to make the same conform with the spirit of this act.

Sec. 1712. AUTHENTICATED RECORD—HOW MADE UP—FORM OF CERTIFICATE.]
 2 The authenticated record of the proceedings before a justice of the peace for the
 3 purposes of an appeal, or of a writ of certiorari, shall consist, as near as may be,
 4 of the following:

5 *First*—ORIGINAL PAPERS FILED.] All original papers hereinbefore specified
 6 filed by the respective parties.

7 *Second*—WRITS AND RETURNS.] All writs issued and returned with the re-
 8 turns or other proofs thereon.

9 *Third*—NOTICE OF APPEAL.] The notice of appeal, if any.

10 *Fourth*—APPEAL BOND.] The appeal bond, if any.

11 *Fifth*—CERTIFICATE OF DEPOSIT.] The certificate of deposit, if any.

12 *Sixth*—RECOGNIZANCE.] The recognizance, if any.

13 *Seventh*—ENTRIES IN DOCKET.] A transcript of the entries in the docket of
14 the justice of the peace pertaining to the action.

15 *Eighth*—CERTIFICATE.] A certificate of the justice of the peace that the
16 papers aforesaid are the original papers and the transcript a true and correct
17 copy of the entries in his docket pertaining to the action, which certificate may
18 be in substantially the following form:

19 BEFORE HENRY BROWN, ESQ., JUSTICE OF THE PEACE OF WILL COUNTY, ILLINOIS.

20	John Doe	} Forceable Detainer. No. 50.
21	v.	
22	Richard Roe.	

23 CERTIFICATE.

24 I hereby certify that the annexed papers are the original papers filed with
25 me in the above entitled action, together with a true copy of the entries in my
26 docket pertaining thereto.

27 Witness my hand and seal this 15th day of March, 1908.

28 HENRY BROWN, [SEAL.]

29 *Justice of the Peace of Will County, Illinois.*

Sec. 1713. CLERK TO FILE AUTHENTICATED RECORD, ETC.] Upon the receipt of
2 the authenticated record in case of an appeal from or writ of certiorari to a
3 justice of the peace, the clerk of the court to which the appeal is taken shall file
4 the same and enter the action upon the register and minute book, if the same
5 be not already so entered, and the action shall thereupon be determined in ac-
6 cordance with the provisions of this act.

Sec. 1714. APPEARANCE OF OPPOSITE PARTY.] In every case of an appeal from
2 a justice of the peace the party or parties, including interveners, not appealing
3 shall enter his or their appearance in writing in the court appealed
4 to within forty days after the date of the judgment entered by the jus-

5 tice, or in default thereof, if such party be the plaintiff or an in-
6 tervener, the action, or the claim of the intervener, as the case may be, may be
7 dismissed for want of prosecution, or, if such party be the defendant, a default
8 may be entered against him, or the party appealing may proceed with the action
9 to a final determination thereof upon the merits or otherwise: *Provided, how-*
10 *ever,* that no criminal action shall be dismissed because of a failure of the state's
11 attorney to enter the appearance of the people, but the clerk of the court appealed
12 to shall in every such case notify the state's attorney of the bringing of the ac-
13 tion to the court to which the appeal, or from which the writ of certiorari has been
14 prosecuted, and it shall be the duty of the state's attorney to enter the appear-
15 ance of the people in the action and the court may compel the performance of
16 such duty by the state's attorney. The party prosecuting an appeal in any ac-
17 tion, other than a criminal action or a quasi criminal action brought for the re-
18 covery of a fine or penalty for the violation of a municipal ordinance, shall be
19 bound to enter his appearance in writing in the court appealed to within forty
20 days after the date of the judgment entered by the justice.

DIVISION LXIX.

PRESERVING QUESTIONS IN COURTS OF RECORD FOR REVIEW BY APPELLATE AND SUPREME COURTS.

SECTION

- 1715. Questions preserved in certain actions for review without report of proceedings.
- 1716. Questions preserved in criminal action without report of proceedings.
- 1717. Questions preserved in quasi criminal action without report of proceedings.
- 1718. Questions preserved in other actions without report of proceedings.
- 1719. Supreme court to make rule.
- 1720. Bill of exceptions and certificate of evidence abolished—report of proceedings.
- 1721. What may be included in report—condensation.
- 1722. Opposite party may have matters inserted.
- 1723. Supplemental or additional report by opposite party.
- 1724. Exceptions unnecessary.
- 1725. Judge not to omit matter actually occurring when.

SECTION

- 1726. Judge to note tender of report.
- 1727. Report to be tendered opposite party for inspection—duty of opposite party.
- 1728. Duty of judge—signing report—corrections.
- 1729. Judge to settle differences.
- 1730. Costs.
- 1731. Correction of defective report in supreme court or appellate court.
- 1732. Death or disability of judge—settlement of report.
- 1733. Refusal of judge to sign report—power of supreme or appellate court.
- 1734. When report presumed to contain all the evidence.
- 1735. Presumptions in favor of party complaining on appeal or error.
- 1736. Purpose of report—liberal construction.
- 1737. Report of proceedings in appellate or supreme court.

Sec. 1715. QUESTIONS PRESERVED IN CERTAIN ACTIONS FOR REVIEW WITHOUT

2 REPORT OF PROCEEDINGS.] The following questions, and no others, in any action,
 3 other than a criminal action, a quasi-criminal action commenced by warrant or a
 4 special proceeding, shall be deemed sufficiently preserved for review upon ap-
 5 peal or writ of error without any report of the proceedings settled and signed
 6 by the presiding judge:

7 *First*—VALIDITY OF FINAL ORDER, ETC., ON ITS FACE.] The validity of a final
 8 order, judgment or decree when determined upon the face of such order, judg-
 9 ment or decree alone.

10 *Second*—ORDER AS TO DEMURRER OR EXCEPTIONS.] The action of the court in
 11 sustaining or overruling any demurrer or exceptions to any pleading, in an ac-

tion in which there are written pleadings: *Provided, however, that* no such action of the court in relation to a demurrer shall be reviewable when, after the sustaining of a demurrer to any pleading, such pleading is amended, or when, after the overruling of any demurrer to any pleading, the party demurring files a plea, replication, or other pleading subsequent to the pleading the demurrer to which has been overruled.

Third—JURISDICTION OF SUBJECT MATTER OR OF PERSON.] The question whether a final order, judgment or decree is rendered in an action in which the court has jurisdiction of the subject matter and of the persons of the parties.

Fourth—PROPRIETY OF MASTER'S REPORT OR DECREE ENTERED THEREON.] The question whether a master's report is sustained by the evidence accompanying the same, or is regular and valid on its face, or whether a final order or decree entered upon such report is in accordance therewith, or in accordance with the evidence accompanying the same.

Sec. 1716. QUESTIONS PRESERVED IN CRIMINAL ACTION WITHOUT REPORT OF PROCEEDINGS.] The following questions, and no others, in any criminal action shall be preserved for review upon writ of error without any report of the proceedings settled and signed by the presiding judge:

First—VALIDITY OF INDICTMENT, ETC., ON ITS FACE.] The validity of the indictment or information, when determined solely from the indictment or information itself.

Second—WHETHER JUDGMENT IS AUTHORIZED BY INDICTMENT, ETC.] The question whether the final judgment is one authorized by the indictment or information.

Sec. 1717. QUESTIONS PRESERVED IN QUASI CRIMINAL ACTION WITHOUT REPORT OF PROCEEDINGS.] The following questions, and no others, in any quasi criminal

3 action commenced by warrant shall be preserved for review upon appeal or writ
4 of error without any report of the proceedings settled and signed by the presid-
5 ing judge.

6 *First*--VALIDITY OF COMPLAINT UPON ITS FACE.] The validity of the complaint
7 upon which the warrant has issued, when determined from the complaint itself.

8 *Second*--WHETHER JUDGMENT AUTHORIZED BY COMPLAINT.] The question
9 whether the final judgment is one authorized by the complaint.

Sec. 1718. QUESTIONS PRESERVED IN OTHER ACTIONS WITHOUT REPORT OF PRO-
2 CEEDINGS.] In actions and proceedings not included within those specified in the
3 three preceding sections there shall be preserved for review upon appeal or writ
4 of error, without any report of the proceedings settled and signed by the presid-
5 ing judge, all questions which have heretofore been preserved for review with-
6 out any bill of exceptions or certificate of evidence, until otherwise provided as
7 specified in the succeeding section.

Sec. 1719. SUPREME COURT TO MAKE RULE.] It shall be the duty of the su-
2 preme court, as soon after the taking effect of this act as may be practicable, to
3 prescribe by rule what questions, in the actions and proceedings referred to in
4 the preceding section, shall be preserved for review without any report of the
5 proceedings settled and signed by a judge.

Sec. 1720. BILL OF EXCEPTIONS AND CERTIFICATE OF EVIDENCE ABOLISHED--RE-
2 PORT OF PROCEEDINGS.] Bills of exceptions in actions at law and certificates of
3 evidence in actions in equity are hereby abolished. In lieu of the signing and
4 sealing of a bill of exceptions in an action at law, or the signing of a certificate of
5 evidence in an action in equity, as heretofore, it shall be the duty of the judge be-
6 fore whom any proceedings have been had in any action or proceeding, whether
7 civil, quasi-criminal or criminal, at any time within sixty days after the entry
8 in a court of record of an order, judgment or decree in such action subject to re-

9 view upon appeal or writ of error, or within such further time as may be allowed
 10 by the court upon application therefor within such sixty days or within the pe-
 11 riod of any extension of time thereafter granted, when either party shall so re-
 12 quest, to sign a report of such proceedings which report, when so signed and filed,
 13 shall become a part of the record in such action. Such report shall contain such
 14 a statement with respect to such proceedings as shall enable the supreme court,
 15 or the appellate court, as the case may be, to properly review such decisions of
 16 the lower court as are authorized by this act to be reviewed, and which cannot be
 17 reviewed without such report, and as either of the parties may desire to have
 18 reviewed. It shall be prepared by the party who may desire a review of the pro-
 19 ceedings and shall be tendered to the judge for his signature within the time
 20 above specified: *Provided, however,* that in case of the absence of the judge from
 21 the county or his incapacity to act, or in case he cannot be conveniently found,
 22 such tender may be made to the clerk of the court in which the action or proceed-
 23 ing has been or is pending, and such clerk shall endorse thereon a certificate of
 24 such tender and enter a minute thereof in the register and minute book, and the
 25 same shall have the same force and effect as if such tender was made to the judge.
 26 and whenever any such tender is made to the clerk and so minuted it shall be
 27 presumed that it was properly so made.

Sec. 1721. WHAT MAY BE INCLUDED IN REPORT—CONDENSATION.] Either party
 2 to an action tendering a report shall have the right to cause to be inserted
 3 therein, at his option, a full and complete report of the proceedings sought to be
 4 reviewed, including a stenographic report, if the proceedings or any portion
 5 thereof be taken down stenographically, of all evidence introduced, all arguments
 6 of counsel, all remarks of the presiding judge, all charges or instructions to ju-
 7 ries, and all rulings made by the court during the progress of the proceedings, or
 8 he may, with the approval of the presiding judge, omit from such report such
 9 portions of the proceedings as, in the opinion of the presiding judge, are un-

10 necessary to be embodied in the report for the proper review of the decisions of
 11 the court, or he may condense said report into such a statement respecting the
 12 proceedings and the decisions of the court during the progress thereof as, in the
 13 opinion of the presiding judge, will properly and fairly present such decisions
 14 for review: *Provided, however,* that in any case in which the evidence introduced
 15 upon the trial or hearing shall have been taken down stenographically and the
 16 same, if transcribed, would not exceed ten thousand words, the court shall not
 17 permit a condensation thereof in a report of the proceedings against the objec-
 18 tion of any party to the action. But no such report shall contain any paper or
 19 record entry, or any copy thereof, which, by the terms of this act, constitutes a
 20 part of the record of the action or proceeding, but when any reference is neces-
 21 sary in any report to any such paper or record entry it shall be sufficient to
 22 identify it by its name or other description and to refer to it as thus identified.

Sec. 1722. OPPOSITE PARTY MAY HAVE MATTERS INSERTED.] When any such re-
 2 port is tendered to the judge by any party to the action any other party to the
 3 action shall have the right to have inserted in the same any other decisions of
 4 the court and its proceedings pertaining thereto not included in such report,
 5 which such party may desire to have reviewed by the supreme court or appellate
 6 court. A party to the action within the meaning of this section, and all other
 7 sections of this act pertaining to reports, shall be deemed to include any person
 8 interested in such action and who, by the provisions of this act, has the right to
 9 prosecute any appeal or writ of error to review an order, judgment or decree
 10 entered therein.

Sec. 1723. SUPPLEMENTAL OR ADDITIONAL REPORT BY OPPOSITE PARTY.] When
 2 there is tendered to and signed by the judge upon the application of any party
 3 to the action a report which is not a full and complete report of the proceedings,
 4 including so much thereof as has been taken down stenographically, any other
 5 party to the action than the one by whom such report has been prepared and ten-

6 dered may, within ten days after notice of the signing of such report, or within
 7 such further time as may be allowed therefor by the judge, tender for the signa-
 8 ture of the judge an additional report which may be either a full and complete
 9 report of the proceedings, including so much thereof as may have been taken
 10 down stenographically, or a supplemental report embracing such matters as
 11 may have been omitted from the original report, and it shall be the duty of the
 12 presiding judge, if such additional or supplemental report be found to be correct,
 13 to sign the same and the same shall thereupon be filed as a part of the record in
 14 the action. When such additional report is a full and complete report of the pro-
 15 ceedings, including so much thereof as has been taken down stenographically, it
 16 shall supersede the previous report and shall be the only report to be considered
 17 upon the determination of an appeal or writ of error.

Sec. 1724. EXCEPTIONS UNNECESSARY.] It shall not be necessary, in any re-
 2 port, to set forth an exception to any ruling of the court, but every such ruling
 3 which appears to have been made against the objection or contrary to the conten-
 4 tion of the party complaining thereof, and which is authorized by this act to be
 5 reviewed, shall be subject to such review by the supreme court or appellate court,
 6 as the case may be, and in any criminal case any ruling of the court by which
 7 manifest injustice has been done to the defendant shall be subject to review by
 8 the supreme court notwithstanding no objection may appear to have been made
 9 thereto by or on behalf of the defendant.

Sec. 1725. JUDGE NOT TO OMIT MATTER ACTUALLY OCCURRING WHEN.] No
 2 judge shall be at liberty, before signing any report, to cause to be omitted there-
 3 from, without the consent of the party tendering the same, any portion thereof
 4 which correctly sets forth a matter actually occurring before such judge.

Sec. 1726. JUDGE TO NOTE TENDER OF REPORT.] Whenever any report shall be
 2 tendered to a judge it shall be his duty to endorse thereon and sign a minute of
 3 such tender and of the date thereof.

Sec. 1727. REPORT TO BE TENDERED OPPOSITE PARTY FOR INSPECTION—DUTY OF

2 OPPOSITE PARTY.] Immediately upon the tender of any report to the judge the
 3 party tendering such report shall deliver the same for inspection to the opposite
 4 party or to his attorney, who shall give his receipt therefor and whose duty it
 5 shall be, by a separate document, to note his objections thereto and all changes
 6 therein which he may desire to have made and to return such report, with said
 7 objections and proposed changes and additions, to the party by whom said re-
 8 port has been tendered within ten days after having received the same, unless
 9 further time for returning the same shall be allowed by the party who has ten-
 10 dered the same or by the court: *Provided, however,* that in case of a report of
 11 proceedings pertaining to an interlocutory order, the party tendering such re-
 12 port shall have the right to have the same settled and signed by the judge with-
 13 out delay.

Sec. 1728. DUTY OF JUDGE—SIGNING REPORT—CORRECTIONS.] In case such re-

2 port shall be agreed upon by the parties or no objection shall be made thereto by
 3 the party to whom the same has been delivered for inspection, the judge shall sign
 4 the same, unless, upon inspection thereof, he shall be satisfied that the same is in-
 5 correct, in which case he shall correct the same so as to make it conform to the
 6 truth and shall thereupon sign it, but no such correction shall be made by the
 7 judge without notice to or the knowledge of the parties.

Sec. 1729. JUDGE TO SETTLE DIFFERENCES.] In case the parties are unable

2 to agree with respect to the report the differences between them shall be sub-
 3 mitted to the judge who shall thereupon settle and sign the report.

Sec. 1730. COSTS.] The party preparing any report or supplemental report

2 signed by the judge shall be entitled to have taxed as costs in his favor the ex-
 3 pense of preparing the same to be fixed by the judge and endorsed upon such re-
 4 port: *Provided, however,* that the allowance made by the judge for such ex-
 5 pense shall not in any case be less than five dollars (\$5) nor more than twenty-

6 five dollars (\$25) and that the same shall not be estimated from the length of
 7 such report, but from the amount of work necessarily and properly performed in
 8 the preparation thereof, and all such costs shall abide the final event of the action.

Sec. 1731. CORRECTION OF DEFECTIVE REPORT IN SUPREME COURT OR APPELLATE
 2 COURT.] Whenever, upon the prosecution of an appeal or writ of error, it shall
 3 be made to appear to the supreme court, or to the appellate court, as the case
 4 may be, that any report is defective and that by reason thereof the right and jus-
 5 tice of the case cannot be determined therefrom, it shall have power to correct
 6 the same so that the right and justice of the case may be determined therefrom
 7 without any further action by the court from which the appeal or to which the
 8 writ of error has been prosecuted, or to direct that such report be corrected or
 9 a new report made by the judge before whom the proceedings were had so that
 10 the same shall truly and correctly set forth the proceedings of the court from
 11 which such appeal to or to which such writ of error is being prosecuted.

Sec. 1732. DEATH OR DISABILITY OF JUDGE—SETTLEMENT OF REPORT.] In case
 2 the judge before whom any proceeding has heretofore been or may hereafter be
 3 heard is, by reason of death, sickness or other disability, unable to settle and
 4 sign a report of such proceedings, any other judge of the court in which such
 5 proceedings have been had, may settle and sign such report whenever he shall
 6 be satisfied, either from a stenographic report of the proceedings or by other suf-
 7 ficient means, that he can make a correct and just report of such proceedings,
 8 and any such report so made shall have the same force and effect as if settled and
 9 signed by the judge before whom such proceedings have been had.

Sec. 1733. REFUSAL OF JUDGE TO SIGN REPORT—POWER OF SUPREME OR APPEL-
 2 LATE COURT.] Whenever it is made to appear to the supreme court, or appellate
 3 court, as the case may be, in an action pending therein upon appeal or writ of
 4 error, that the judge of the court of original jurisdiction, before whom any pro-
 5 ceeding in such action has been had, has wrongfully refused to sign a proper

6 report of the proceedings, the court may make an order in such action requiring
 7 such judge to sign such proper report and no application for a mandamus shall
 8 be necessary for that purpose; and, in any such case, the supreme court, or ap-
 9 pellate court, as the case may be, shall not be bound by the determination of
 10 such judge as to the correctness of such report, but may hear evidence and de-
 11 termine for itself what proceedings were actually had before such judge in such
 12 court of original jurisdiction, and may either require such judge to sign such
 13 report as the court may find to be correct, or may determine such appeal or writ
 14 of error as if the record contained such a report of the proceedings as the court
 15 may find should have been signed by such judge.

Sec. 1734. WHEN REPORT PRESUMED TO CONTAIN ALL THE EVIDENCE.] Every
 2 report purporting to contain evidence introduced during the proceedings re-
 3 ported shall be presumed to contain all the evidence introduced during such pro-
 4 ceedings and pertaining thereto, unless the contrary affirmatively appears from
 5 the report.

Sec. 1735. PRESUMPTION IN FAVOR OF PARTY COMPLAINING ON APPEAL OF ER-
 2 ROR.] In every action at law tried by jury or by the court without a jury, the
 3 verdict of the jury or the finding of the court, as the case may be, and the judg-
 4 ment thereon, shall be presumed to have been rendered, made or entered against
 5 the objection of the party complaining thereof upon appeal or writ of error, un-
 6 less the contrary shall affirmatively appear from the record or from such report,
 7 and in every action in equity every order or decree entered by the court, either
 8 upon a master's report, or upon a hearing without a master's report, shall be
 9 presumed to have been entered against the objection of the party complaining
 10 thereof upon appeal or writ of error, unless the contrary shall affirmatively ap-
 11 pear from the record or from such report, and, in general, any order, judgment
 12 or decree entered in any action, which appears from the record to have been
 13 clearly and manifestly contrary to the right and justice of the case, shall be

14 presumed to have been entered against the objection of the party complaining
 15 thereof upon appeal or writ of error, unless the contrary shall affirmatively ap-
 16 pear from the record.

Sec. 1736. PURPOSE OF REPORT—LIBERAL CONSTRUCTION.] The purpose of
 2 every report shall be to present the proceedings of the court in such manner as
 3 shall enable the supreme court or appellate court, as the case may be, to prop-
 4 erly review the same and to render or cause to be rendered such decision with
 5 respect thereto as the law and the evidence require, or as the court in which
 6 the proceedings were had should have rendered, and every such report shall be
 7 liberally construed to accomplish such purpose, and no presumption shall be
 8 indulged to aid in sustaining a decision which would otherwise appear to be
 9 contrary to law or contrary to the law and the evidence.

Sec. 1737. REPORT OF PROCEEDINGS IN APPELLATE OR SUPREME COURT.] When
 2 any evidence not contained in the authenticated record is admitted or considered
 3 by an appellate court or the supreme court in pursuance of the provisions of
 4 this act, in any action pending therein, or any other proceedings are had in
 5 either of said courts, which would not otherwise be preserved by the record
 6 sufficiently for the purposes of a review by another appellate tribunal, such evi-
 7 dence or proceedings, or both, shall, at the request of any party to the record
 8 made within thirty days after the final determination by the supreme court or
 9 appellate court of such action, be set forth in a report of the proceedings of
 10 the supreme court or appellate court, as the case may be, such report to be
 11 signed by the chief justice or presiding justice of such court. The method of
 12 preparing and settling such report and the effect and construction of the same
 13 shall be the same, as near as may be, as is in this act prescribed with respect to
 14 a report of proceedings of a court of original jurisdiction, and the same, when
 15 settled and signed as aforesaid, shall be filed with the other papers in the ac-
 16 tion and shall constitute a part of the record thereof.

DIVISION LXX.

APPELLATE PROCEEDINGS.

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- 1868. Procedure not otherwise provided for.

Sec. 1738. JUDGMENTS, ETC., OF INFERIOR COURTS REVIEWABLE.] The orders,

2 judgments and decrees of all courts inferior to the supreme court shall be subject
 3 to review by appeals, writs of certiorari and writs of error to the extent and in

the manner provided by this act by the respective courts of appellate jurisdiction.

Sec. 1739. APPEALS FROM AND WRITS OF CERTIORARI TO JUSTICES OF THE PEACE—

HOW DETERMINED.] Appeals from and writs of certiorari to justices of the peace shall be heard and determined in a summary way according to the justice of the case by the court to which the appeal or from which the writ of certiorari has been prosecuted. Every such action shall be tried by the court without a jury, unless one of the parties at the time he enters his appearance in the court appealed to shall file with the clerk a demand in writing of a trial by jury, which demand, however, may be withdrawn by the party filing the same at any time before the trial.

Sec. 1740. APPEAL FROM ORDER ALLOWING OR DISALLOWING WILL TO PROBATE.]

An appeal to the circuit court, or, in Cook county, to the superior court of Cook county, from an order of the probate court or county court allowing or disallowing any will to probate shall be tried in such circuit court or superior court of Cook county de novo as heretofore, and the court upon such trial shall enter such order as the law and the evidence may require.

Sec. 1741. WHAT JUDGMENTS, ETC., REVIEWABLE AS MATTER OF RIGHT.] The

following orders, judgments and decrees of circuit courts, the superior court of Cook county, the criminal court of Cook county, county courts, probate courts and city courts, in other than criminal actions, shall be reviewable as a matter of right, by appeal or writ of error:

First—FINAL ORDER, ETC.] Every final order, judgment or decree.

Second—INJUNCTION ORDER.] Every order granting or refusing to grant an injunction, or dissolving or refusing to dissolve an injunction previously granted, or modifying or changing, or refusing to modify or change, an injunction order previously granted.

11 *Third*—RECEIVERSHIP ORDER.] Every order appointing or refusing to ap-
 12 point a receiver, or vacating or refusing to vacate an order appointing a re-
 13 ceiver, or modifying or changing or refusing to modify or change, an order
 14 previously granted for the appointment of a receiver.

15 *Fourth*—ORDER FOR PAYMENT OF MONEY OR SALE OF PROPERTY BY RECEIVER.] Ev-
 16 ery order directing the payment of money by any receiver, or a sale or disposi-
 17 tion by any receiver of any property, or approving or refusing to approve, in
 18 whole or in part, any account of any receiver.

19 *Fifth*—ORDER GRANTING NEW TRIAL.] Every order granting a new trial in
 20 any action, whether tried by jury or by the court without the intervention of a
 21 jury, when such new trial is granted because, in the opinion of the trial court, the
 22 verdict of the jury or the finding of the court is contrary to the evidence, or
 23 errors of law have been committed by the trial court during the progress of the
 24 trial.

 Sec. 1742. JUDGMENTS, ETC., IN CRIMINAL ACTIONS—WRITS OF ERROR.] The
 2 final orders and judgments of circuit courts, the superior court of Cook county,
 3 the criminal court of Cook county, county courts, probate courts and city courts
 4 in criminal actions shall be reviewable as a matter of right in all cases by writ of
 5 error upon the application of the defendant only.

 Sec. 1743. DISCRETION AS TO APPEALS FROM INTERLOCUTORY ORDERS, ETC.] The
 2 following orders, judgments and decrees of circuit courts, the superior court of
 3 Cook county, the criminal court of Cook county, county courts, probate courts
 4 and city courts, in other than criminal actions, may be reviewed by appeals in the
 5 discretion of the courts entering such orders, judgments or decrees or of the
 6 courts to which it is proposed to remove such orders, judgments or decrees for re-
 7 view by appeal:

8 *First*—ORDER AS TO DEMURRER OR EXCEPTIONS.] Every order overruling or sus-
 9 taining exceptions or a demurrer to any pleading.

Second—ORDER AS TO PLEA IN EQUITY.] Every order allowing or disallowing a plea in equity.

Third—OTHER ORDERS.] Every order which, in the opinion of either of said courts, if incorrect or contrary to law, may seriously interfere with the speedy and proper final determination of an action upon its merits, or may greatly and unnecessarily increase the expense and labor of the parties in the prosecution or defense of the same, or may result in serious inconvenience to the party complaining thereof, or is otherwise of such a character that an appeal ought to be allowed therefrom.

Sec. 1744. REVIEW OF JUDGMENTS, ETC., OF APPELLATE COURTS—DISCRETION

AS TO APPEALS.] Every final order, judgment or decree of an appellate court, one in an action for the recovery of money only, or personal property only, or both money and personal property, when the sum or value in controversy does not exceed five thousand dollars (\$5,000), exclusive of costs, excepted, shall be reviewable by the supreme court in its discretion, by appeal. Every final order, judgment or decree of an appellate court in an action for the recovery of money only, or personal property only, or both money and personal property, when the sum or value in controversy does not exceed five thousand dollars (\$5,000), exclusive of costs, shall be reviewable by the supreme court by appeal in the discretion of the court entering such order, judgment or decree, or of one or more of the judges thereof: *Provided, however*, that an appeal may be prosecuted in any such case in the discretion of the supreme court for the review of any decision of the appellate court respecting its own jurisdiction or powers or respecting the jurisdiction or powers of the court from which an appeal has been prosecuted to or to which a writ of error has been prosecuted from such appellate court.

Sec. 1745. DEFINITION OF FINAL ORDER, ETC.] The following orders, judg-

2 ments and decrees of the appellate courts shall be deemed final within the mean-
3 ing of the preceding section:

4 *First*—AFFIRMANCE.] Every order, judgment or decree affirming an order,
5 judgment or decree of the inferior court.

6 *Second*—REVERSAL OR MODIFICATION AND NEW ORDER, ETC.] Every order,
7 judgment or decree reversing, in whole or in part, or modifying, an order, judg-
8 ment or decree of the inferior court, and entering a final order, judgment or de-
9 cree in lieu thereof.

10 *Third*—REVERSAL AND REMANDMENT FOR NEW TRIAL OR HEARING.] Every
11 order, judgment or decree reversing an order, judgment or decree of the infer-
12 ior court and remanding the action to the inferior court for a new trial or new
13 hearing.

14 *Fourth*—DISMISSAL OF APPEAL OR WRIT OF ERROR.] Every order, judgment or
15 decree dismissing an appeal from or writ of error to an inferior court.

16 *Fifth*—OTHER ORDERS, ETC.] Every other order, judgment or decree which
17 has heretofore been regarded as final in its nature.

Sec. 1746. BY WHOM APPEAL OR WRIT OF ERROR MAY BE PROSECUTED.] An ap-

2 peal or writ of error to review any order, judgment or decree made reviewable
3 by this act by appeal or writ of error, may, in any other than a criminal action, be
4 prosecuted by any one or more of the parties to the action in which such order,
5 judgment or decree has been entered, whether plaintiffs, petitioners, claimants,
6 defendants, interveners or garnishees, or by any person who has become inter-
7 ested in such action as the heir, devisee or other legal representative of a de-
8 ceased party, or as the successor in office or trust of a party thereto or by any
9 other person who may be affected by such order, judgment or decree, financi-
10 ally or otherwise. A writ of error in a criminal action may be prosecuted by
11 the defendant only, or, if there are several defendants, by any one or more of
12 such defendants.

Sec. 1747. HOW APPEAL OR WRIT OF ERROR DOCKETED—FORM.] An appeal or writ of error shall be entered in the register and minute book of the supreme court or appellate court, as the case may be, in the names of the parties as they appear in the court from which the appeal or to which the writ of error has been prosecuted, and there shall be entered in the register and minute book a memorandum specifying the court from which the appeal or to which the writ of error is prosecuted, and, if such court is a court other than an appellate court, the name of the presiding judge before whom the proceedings sought to be reviewed were had and a further memorandum or notation indicating the person or persons prosecuting such appeal or writ of error, together with such further memoranda as may be required by the rules which may be adopted by the supreme court or the appellate court, as the case may be: *Provided, however,* that when any substitution of parties shall have been made as hereinafter provided, the appeal or writ of error shall be entered in the register and minute book of the supreme court or appellate court, as the case may be, in the names of the parties as they shall appear after such substitution. Every appeal or writ of error shall be given a record number, which record number shall not be changed. The record numbers of appeals and writs of error shall extend from one (1) to one hundred thousand (100,000). In addition to the record number an appeal or writ of error may be given a calendar number upon any written or printed calendar prepared for the convenience of the court and the officers thereof, but such calendar number shall not be entered in any manner upon the record. The following form of entering an appeal upon the register and minute book shall be deemed sufficient:

24			No. 155.
25	John Doe	}	Appeal from Circuit Court of Cook
26	v.		County, Hon. John Jones, Judge
27	Richard Roe, Henry		Presiding, prosecuted by the de-
28	Roe and David Roe.		fendant David Roe.

Sec. 1748. WHEN AND HOW APPEAL TAKEN—FORM OF NOTICE.] An appeal from any final order, judgment or decree, when the same may be prosecuted as

3 a matter of right, may be taken at any time within thirty (30) days after the
4 rendition of such order, judgment or decree, and in case the same be an appeal
5 from an order, judgment or decree against the party appealing, or from an
6 order, judgment or decree, the execution of which the party appealing desires
7 to be stayed until the final determination of the appeal, the same may be per-
8 fected by tendering to the clerk of the court from which the appeal is taken,
9 either an appeal bond with good and sufficient security, or a deposit of securities
10 as hereinafter provided, and also tendering to such clerk a notice of appeal,
11 which notice shall specify the title of the action and the classification and number
12 thereof and be signed by the party taking the appeal or his attorney, to be filed
13 by such clerk in the action in which the appeal is taken, and by paying to such
14 clerk the sum of thirty dollars (\$30) in cash, of which amount the sum of five
15 dollars (\$5) shall be retained by said clerk as his fees for the authenticated
16 record, and the remaining twenty-five dollars (\$25) of said amount shall be
17 transmitted by said clerk to the clerk of the court appealed to as the costs of
18 such clerk, together with the authenticated record of the action in which the
19 appeal is taken: *Provided, however,* that in an action of forcible detainer such
20 appeal must be taken within five (5) days after the rendition of the judgment
21 appealed from; and *provided further,* that an appeal in an action of contempt
22 may be taken in the manner hereinafter specified for the taking of an appeal
23 in a quasi criminal action brought by a municipal corporation for the violation
24 of a municipal ordinance, but in such case the amount of the recognizance shall
25 be fixed by the court. Upon the taking of an appeal the party appealing shall,
26 upon demand made therefor, deliver to the opposite party, or to each opposite
27 party or group of opposite parties entering a separate appearance, a copy of
28 the notice of appeal and of the appeal bond or certificate of deposit, as the case
29 may be. When the appeal is from a judgment in a quasi criminal action brought
30 by a municipal corporation for the violation of a municipal ordinance, the party
31 appealing may, in lieu of the tender of an appeal bond, as above provided for,

enter into a recognizance in a sum twenty per cent more than the amount, including costs, of the judgment recovered, conditioned that in case the judgment appealed from is affirmed or the appeal dismissed or the judgment reversed and the action remanded by the court appealed to, such party shall surrender himself to the sheriff of the county within ten (10) days after a certified copy of such judgment of affirmance or dismissal, or reversal and remandment shall have been filed in the court appealed from. The following shall be deemed a sufficient form of notice of appeal and shall be taken as furnishing suggestions from which other notices of appeal may be properly framed:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe, }
v. } Contract. No. 27.
Richard Roe. }

NOTICE OF APPEAL.

Notice is hereby given that an appeal has been taken by the defendant to the appellate court (or supreme court, as the case may be), in the above entitled action.

WILLIAM SMITH,

Defendant's Attorney.

Sec. 1749. CONDITION OF APPEAL BOND UPON APPEAL FROM FINAL ORDER, JUDGMENT OR DECREE.] Every appeal bond, in the case of an appeal from a final order, judgment or decree, shall be conditioned for the performance, by the party or parties appealing, of the order, judgment or decree appealed from, or which is affirmed by the order, judgment or decree appealed from, and the payment by such party or parties of all costs and damages which may be awarded against such party or parties in the court appealed to in case such order, judgment or decree is affirmed by such court. The condition of an appeal bond, or a provision in a certificate of deposit hereinafter provided for requiring the performance by the party or parties appealing of the order, judgment or decree

11 appealed from, or which is affirmed by the order, judgment or decree appealed
12 from, shall be construed as follows:

13 *First—MONEY JUDGMENT.*] In the case of an appeal from an order, judg-
14 ment or decree for the payment of money by the party or parties appealing, it
15 shall be construed as requiring the payment, to the person entitled thereto, of
16 the money specified in such order, judgment or decree, with interest thereon at
17 five (5) per cent per annum from the date of such order, judgment or decree,
18 or from the time therein fixed for the payment of the money.

19 *Second—JUDGMENT FOR POSSESSION OF PROPERTY.*] In the case of an appeal
20 from an order, judgment or decree for the delivery by the party or parties ap-
21 pealing, of possession of property, it shall be construed as requiring the de-
22 livery of possession of such property to the person entitled thereto and the pay-
23 ment to such person of such damages as he may be entitled to for the detention
24 thereof from the date of the order, judgment or decree.

25 *Third—PERFORMANCE OF ACT.*] In the case of an appeal from an order,
26 judgment or decree for the performance, by the party or parties appealing, of
27 any other act, it shall be construed as requiring the performance of such act,
28 together with the payment of damages to the party entitled to such performance
29 for the delay in the performance thereof from the date when the same was re-
30 quired by such order, judgment or decree to be performed.

31 *Fourth—OTHER CASES.*] In the case of an appeal from any other order, judg-
32 ment or decree, it shall be construed as requiring the payment to the person,
33 for whose benefit the order, judgment or decree has been entered, of all damage-
34 occasioned to such party by reason of the execution of such order, judgment or
35 decree being stayed during the pendency of the appeal.

36 *Fifth—IN GENERAL.*] In every case it shall be construed as requiring the
37 payment to the person for whose benefit the order, judgment or decree has been
38 entered of all damages occasioned to such party by the wrongful prosecution of
39 the appeal.

Sec. 1750. STATE OR MUNICIPAL CORPORATIONS, ETC., NOT REQUIRED TO GIVE SECURITY IN CASE OF APPEAL.] No appeal bond, or other bond, or deposit of any kind or character, or payment of fees or costs, shall be required of the state or of any county, city, village, town, school district or other municipal corporation or of the corporation of any charitable, educational, penal or reformatory institution under the patronage or control of the state, or of any public officer when suing or defending in his official capacity for the benefit of the public, whether the order, judgment or decree appealed from be one in favor of or against the party appealing, but an appeal by any such party shall be deemed perfected upon the filing of the notice provided for in the preceding section.

Sec. 1751. ATTORNEY DEEMED AUTHORIZED TO EXECUTE APPEAL BOND IN NAME OF CLIENT.] Any attorney at law of record of any party or parties appealing shall be deemed to have full power and authority to execute any appeal bond, for the purposes of such appeal, in the name of such party or parties, and any bond so executed shall be as binding upon such party or parties so appealing as if the same had been executed in person, or the execution thereof had been expressly authorized, by such party or parties so appealing.

Sec. 1752. PENALTY OF APPEAL BOND.] The penalty of an appeal bond in the case of an appeal from a final order, judgment or decree, shall be as follows:

First—ORDER, ETC., FOR PAYMENT OF MONEY.] If the order, judgment or decree appealed from be one of a court of original jurisdiction for the recovery or payment of money, the penalty of the bond shall be a sum twenty per cent. more than the amount, including costs, recovered or required to be paid by such order, judgment or decree appealed from: *Provided, however,* that in case of an appeal from an order, judgment or decree for the foreclosure of a mortgage or other lien the fair cash value of the property covered by such mortgage or against which the lien is to be enforced, over and above all prior liens thereon, may be deducted from the amount of such penalty to such an extent only as will not reduce such penalty

12 below thirty per cent. of the amount recovered or required to be paid by such or-
 13 der, judgment or decree, such value to be ascertained by the clerk from the af-
 14 fidavit of the party appealing, or of his agent or attorney.

15 *Second*—ORDER, ETC., FOR RECOVERY OR DELIVERY OF PERSONAL PROPERTY.] If
 16 the order, judgment or decree appealed from be one of a court of original juris-
 17 diction for the recovery or delivery of personal property the penalty of the bond
 18 shall be an amount not less than thirty per cent. in excess of the value of the
 19 property recovered or required to be delivered by such order, judgment or decree
 20 appealed from, such value to be ascertained by the clerk from the affidavit of the
 21 party appealing or of his agent or attorney.

22 *Third*—ORDER, ETC., OTHER THAN FOR MONEY OR PERSONAL PROPERTY.] If the
 23 order, judgment or decree appealed from be one of a court of original jurisdic-
 24 tion other than for the recovery or payment of money or the delivery of personal
 25 property, the penalty of the bond shall be such as may be fixed therefor by the
 26 court, either at the time of the entry of such order, judgment or decree, or upon
 27 application made at any time within thirty days thereafter for the fixing of the
 28 same.

29 But the penalty of an appeal bond or of any recognizance provided for by
 30 this act shall be not less than one hundred dollars (\$100), and the same, if more
 31 than one hundred dollars (\$100), shall be some multiple thereof.

Sec. 1753. PENALTY OF BOND MAY BE FIXED BY COURT.] The court at the
 2 time of entering any final order, judgment or decree, or at any time thereafter
 3 and before the perfecting of an appeal, may fix the penalty of any appeal bond
 4 and in such case the penalty of the bond shall be as thus fixed.

Sec. 1754. APPEAL BOND MAY BE APPROVED BY JUDGE.] Any appeal bond may
 2 be approved by any judge of the court and when so approved and filed by the
 3 clerk shall have the same effect as if the same had been approved by the clerk.

Sec. 1755. DEPOSIT BY PARTY APPEALING FROM JUDGMENT IN HIS FAVOR—ABAN-

2 DONMENT.] An appeal by a party from a final order, judgment or decree in
 3 his favor, or from a final order, judgment or decree the execution of which the
 4 party appealing does not desire to be stayed until the final determination of the
 5 appeal, may be perfected by the filing of the notice of appeal hereinbefore pro-
 6 vided for and the making of a deposit with the clerk of the court appealed from
 7 of the sum of thirty dollars (\$30) in cash, of which amount the sum of five dol-
 8 lars (\$5) shall be retained by said clerk as his fees for the authenticated record
 9 and the remaining twenty-five dollars (\$25) of said amount shall be transmitted
 10 by said clerk to the clerk of the court appealed to as the costs of such clerk, to-
 11 gether with the authenticated record of the action in which the appeal is taken.
 12 Such authenticated record shall be transmitted to the clerk of the court appealed
 13 to by the clerk of the court appealed from at such time as the party appealing may
 14 direct, and in case such authenticated record shall not be transmitted as aforesaid
 15 and filed in the office of the clerk of the court appealed to within forty (40) days
 16 after the date of the order, judgment or decree appealed from, or within such fur-
 17 ther time as may be allowed therefor by the court appealed from or the court ap-
 18 pealed to, the clerk shall return twenty-five dollars (\$25) of said deposit to the
 19 party appealing and such appeal shall be deemed and taken as abandoned.

Sec. 1756. DEPOSIT OF SECURITIES IN LIEU OF APPEAL BOND.] Any party ap-

2 pealing from a final order, judgment or decree, other than one in his favor, may,
 3 in lieu of filing an appeal bond, as hereinbefore provided for, deposit with the
 4 clerk of the court appealed from an amount in money and securities, or either,
 5 equal to the penalty of the appeal bond in such case required, to be held by such
 6 clerk as security, in lieu of an appeal bond, for the performance of the
 7 order, judgment or decree appealed from and for the payment by the party ap-
 8 pealing of all costs and damages which may be awarded against him in the court

9 appealed to in case the order, judgment or decree appealed from is affirmed or the
 10 appeal dismissed. Upon the affirmance of the order, judgment or decree appealed
 11 from, or the dismissal of the appeal by the court appealed to, and upon the filing
 12 of a certified copy of the order or judgment of affirmance or dismissal with the
 13 clerk of the court from which the appeal was taken, and upon the failure of the
 14 party appealing to perform the order, judgment or decree appealed from
 15 within such time as may be fixed therefor by the court appealed
 16 from, the money or securities thus deposited with the clerk, or the proceeds
 17 thereof, shall be applied, by or under the direction of the court appealed from, so
 18 far as may be necessary, or so far as the same may suffice for such purpose, to the
 19 payment of the order, judgment or decree appealed from, or to the payment of
 20 damages to be ascertained and fixed by the court for the non-performance of such
 21 order, judgment or decree, and the balance, if any, remaining shall be paid over
 22 to the party appealing. Upon the reversal, in whole or in part, of the order, judg-
 23 ment or decree appealed from, and upon the filing of a certified copy of the order
 24 of reversal with the clerk of the court from which the appeal has been taken, the
 25 clerk, by the order and under the direction of the court appealed from, shall re-
 26 turn the money or securities thus deposited to the party appealing. The follow-
 27 ing securities and none other shall be accepted as deposits, or as parts of deposits,
 28 under the provisions of this section:

29 *First*—U. S. BONDS.] Bonds of the United States at their par value.

30 *Second*—BONDS OF MUNICIPAL CORPORATIONS.] Bonds of any municipal cor-
 31 poration of this state the market value of which is over ninety per cent. of their
 32 face value, such bonds to be accepted at ninety per cent. of their face value.

33 *Third*—BONDS OF RAILROAD CORPORATIONS.] First mortgage bonds of any rail-
 34 road corporation of this state, or which operates within this state any line or
 35 lines of railroad in excess of three hundred miles, when such bonds have a market
 36 value of ninety per cent. of their face value, and when such railroad corporation

37 has paid dividends of four per cent. per annum or more to its stockholders for
 38 five successive years prior to such deposit, such bonds to be accepted at ninety
 39 per cent. of their face value.

Sec. 1757. COURT TO CONTROL DEPOSITS.] It shall be the duty of each court to
 2 provide by rule for the safe keeping by the clerk thereof of all moneys and se-
 3 curities deposited with such clerk in lieu of appeal bonds.

Sec. 1758. APPEAL BOND STAYS PROCEEDINGS.] The filing of an appeal bond, or
 2 the making of the deposit in lieu thereof, or the entering into of the recognizance
 3 hereinbefore provided for, in case of an appeal from any final order, judgment
 4 or decree, shall operate as a stay of proceedings under such final order, judgment
 5 or decree until the further order of the court appealed from, or until the filing in
 6 the court appealed from of a certified copy of an order, judgment or decree of the
 7 court appealed to dismissing such appeal or affirming such final order, judg-
 8 ment or decree.

Sec. 1759. CLERK TO NOTIFY APPELLEE.] When any appeal has been perfected
 2 it shall be the duty of the clerk of the court in which the same has been perfected
 3 to immediately notify, by postal card or otherwise, the other party to the action or
 4 his attorney or attorneys, if such other party's appearance has been entered in
 5 the action, of the perfecting of such appeal.

Sec. 1760. ORDER FOR NEW APPEAL BOND, ETC., HOW OBTAINED—EFFECT OF NON-
 2 COMPLIANCE.] Any party to the action in which an appeal has been taken from a
 3 final order, judgment or decree by the filing of an appeal bond, or by the making
 4 of a deposit as aforesaid, upon reasonable notice to the party who has filed such
 5 appeal bond, or made such deposit, or to the attorney of such party, may apply to
 6 the court appealed from for an order requiring the party prosecuting such ap-
 7 peal to give a new appeal bond, or make an additional deposit of money or se-
 8 curities, and may obtain such order upon proving to the satisfaction of the court
 9 appealed from that such appeal bond is defective in form or otherwise insuf-

10 ficient, or that the deposit is not sufficient security for the purpose of such ap-
 11 peal, and in case of non-compliance with any such order the court making the
 12 same shall enter an order that further proceedings under the order, judgment or
 13 decree appealed from shall be no longer stayed and thereupon such order, judg-
 14 ment or decree may be enforced as if the same had not been appealed from.

Sec. 1761. ORDER VACATING STAY NOT TO OPERATE AS DISMISSAL OF APPEAL.]

2 When any order has been entered by the court appealed from that proceedings
 3 under the order, judgment or decree appealed from shall be no longer stayed as
 4 provided in the preceding section, such order shall not operate as a dismissal of
 5 such appeal, nor shall it entitle the party in whose favor the order, judgment or
 6 decree appealed from has been entered to secure the dismissal of such appeal by
 7 the court appealed to; but such appeal shall be heard and determined as if no
 8 such order had been entered by the court appealed from.

Sec. 1762. APPLICATION TO COURT APPEALED TO FOR RELIEF FROM ORDER.] Any

2 party appealing, who shall feel himself aggrieved by any order of the court ap-
 3 pealed from with respect to any such appeal bond or deposit, may apply for relief
 4 therefrom to the court appealed to and thereupon the court appealed to may va-
 5 cate or modify the order of the court appealed from or may make such new order
 6 as the court may deem proper for the protection of the rights of the parties.

Sec. 1763. SEPARATE APPEALS BY DIFFERENT PARTIES—DEPOSIT—AUTHENTICATED

2 **RECORD—DOCKETING IN COURT APPEALED TO.]** When separate appeals from the
 3 same order, judgment or decree are taken by different parties at the same time,
 4 each party prosecuting a separate appeal shall deposit with the clerk his propor-
 5 tionate share of the thirty dollars (\$30) hereinbefore required to be deposited as
 6 costs. When such separate appeals are taken by different parties at different
 7 times, the clerk shall apportion said sum of thirty dollars (\$30) among the sev-
 8 eral parties taking separate appeals and return to each party any amount de-
 9 posited by him over and above his proportionate share as aforesaid. In any such

case the time of the filing of the authenticated record shall be determined by the parties appealing, by agreement, or, in default of such agreement, the clerk shall transmit the same to the clerk of the court appealed to immediately after the lapse of thirty days after the entry of the order, judgment or decree appealed from, unless the court appealed from or the court appealed to shall otherwise direct, and the appeals shall be docketed in the court appealed to as one case.

Sec. 1764. WHEN APPEAL BY ONE PARTY SHALL STAND AS APPEAL OR WRIT OF ERROR BY ANOTHER PARTY—FORM OF NOTICE.] When any party to an order, judgment or decree shall have perfected an appeal therefrom, or shall have sued out a writ of error to review the same, in the manner hereinbefore and hereinafter provided, any other party, in lieu of the prosecution of a separate appeal or writ of error, may file in the court appealed to, or from which the writ of error has been prosecuted, a notice in writing that such party intends to complain of errors prejudicial to such party in the order, judgment or decree sought to be reviewed by such appeal or writ of error, or in any other final order, judgment or decree entered in such action, and, in case of the filing of such notice, such appeal or writ of error shall not be dismissed excepting with the consent of the party filing such notice; but such notice shall not operate as a stay of proceedings in favor of the party filing the same unless such party shall execute and file in the court appealed from or the court appealed to, or the court to which, or the court from which, the writ of error is prosecuted, a bond in such sum and with such security as may be required and approved by the court conditioned, as near as may be, as an appeal bond. Upon the filing of such notice a copy thereof shall be served upon the party appealing and, when practicable, upon every other party, or group of parties, entering a separate appearance in the action, and thereupon the party filing the same shall be at liberty to complain and demand relief from errors in the proceedings to the same extent as if he had prosecuted an appeal or sued out a writ of error in said action. The notice in this section provided for may be in substantially the following form:

IN THE SUPREME COURT OF ILLINOIS.

24		
25	John Doe	} No. 155. Appeal from Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by defend- ant Richard Roe.
26	v.	
27	Richard Roe, Henry	
28	Roe and David Roe.	

NOTICE OF INTENTION TO COMPLAIN OF ERRORS.

30 Notice is hereby given that the undersigned defendant, Henry Roe, intends
31 to complain of prejudicial errors in the above entitled action.

32 Dated March 31, 1908.

33 HENRY ROE,

34 By JAMES SMITH,

35 *His Attorney.*

Sec. 1765. APPEAL BY HEIR, ETC., OF DECEASED PARTY.] Before any person shall
2 perfect an appeal as an heir, devisee or other legal representative of any deceased
3 party, or as the successor in office or trust of any party to the record, he shall file
4 with the clerk of the court in which the order, judgment or decree sought to be
5 reviewed has been entered proof by affidavit or otherwise of the facts necessary
6 to establish such heirship, deviseeship, representative capacity or successorship,
7 and shall obtain an order of the court in which such order, judgment or decree
8 has been entered authorizing him to prosecute such appeal, which order it shall be
9 the duty of the court to enter upon proof of the facts aforesaid entitling him
10 thereto.

Sec. 1766. APPEAL WHEN ANOTHER PARTY TO RECORD HAS DIED, ETC.—FORMS OF
2 ORDERS.] When any person shall prosecute an appeal in an action in which any
3 other party to the record shall have died since the entry of the order, judgment
4 or decree proposed to be appealed from, or if any person, being a party to such
5 action in a representative capacity, or as an officer or trustee, shall have departed
6 this life or been removed from his office or trusteeship, or for any other reason
7 shall have ceased to be such representative, officer or trustee, and a successor shall

8 have been appointed, the party proposing to prosecute such appeal shall make
9 proof thereof by affidavit or otherwise to the satisfaction of the court in which
10 such order, judgment or decree has been rendered and thereupon the heir, devisee
11 or other legal representative or successor in office or trust of such party, shall, by
12 an order of such court, be substituted as a party to the action in which such or-
13 der, judgment or decree has been rendered and shall be notified of such substitu-
14 tion, and shall thereupon be bound by the proceedings upon such appeal to the
15 same extent as if he had been an original party to such action: *Provided, how-*
16 *ever,* that any such order of substitution may, upon the application of any party
17 substituted, be set aside upon its being made to appear to the court to which such
18 appeal is prosecuted that the same has been improperly made. Such orders of
19 substitution and the notice and proof of service thereof in this section provided
20 for may be substantially as follows:

21 1. ORDER AUTHORIZING ADMINISTRATOR TO PROSECUTE APPEAL.

22 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

23	John Doe	} Contract. No. 27. February 10, 1908. Before Hon. John Jones, Judge.
24	v.	
25	Richard Roe.	

26 This day, on motion of Henry Doe, as administrator of the estate of Richard
27 Roe, deceased, and upon proof by him of the death of said Richard Roe on the
28 first day of January, 1908, and of the appointment of said Henry Roe as admin-
29 istrator of the estate of Richard Roe, deceased, it is ordered by the court that
30 said Henry Roe, as administrator as aforesaid, be substituted as a party to the
31 action in place of said Richard Roe, and authorized to prosecute an appeal
32 herein.

2. ORDER SUBSTITUTING ADMINISTRATOR ON MOTION OF OPPOSITE PARTY.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe Contract. No. 27.
 v. February 10, 1908.
 Richard Roe. Before Hon. John Jones, Judge.

This day, on motion of the defendant and upon proof by him of the death of John Doe on the first day of January, 1908, and of the appointment of William Doe as administrator of the estate of John Doe, deceased, it is ordered by the court that said William Doe, as administrator as aforesaid, be substituted as a party to the action in place of said John Doe.

3. NOTICE OF SUBSTITUTION AND PROOF OF SERVICE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe }
 v. } Contract. No. 27.
 Richard Roe. }

NOTICE OF SUBSTITUTION.

To William Doe, as administrator of the estate of John Doe, deceased:

You are hereby notified that by an order entered by said court on the 10th day of February, 1908, you were duly substituted as a party plaintiff in the above entitled action in the place of John Doe.

WILLIAM SMITH,

Defendant's Attorney.

AFFIDAVIT OF SERVICE OF NOTICE.

Richard Roe on his oath says that he is the defendant in the above entitled action and that on the 11th day of February, 1908, he delivered a true copy of the above notice, together with a true copy of the order therein referred to, to William Doe, as administrator of the estate of John Doe, deceased.

RICHARD ROE.

Subscribed and sworn to before me this 12th day of February, 1908.

JOHN SMITH, *Clerk.*

Sec. 1767. MANNER OF OBTAINING APPEAL FROM AN APPELLATE COURT WHEN

2 ALLOWANCE IN DISCRETION OF APPELLATE COURT.] An appeal from an appellate
 3 court to the supreme court, when the allowance of the same is within the discre-
 4 tion of the appellate court, may be applied for at any time within twenty (20)
 5 days after the rendition of any order, judgment or decree. Such appeal may
 6 be allowed by such appellate court by an order entered upon the register and
 7 minute book, or by any judge of said court by an order signed by him, a minute
 8 of which order signed shall be entered upon the register and minute book, and
 9 it shall not be necessary that such order recite any reasons for the allowance
 10 of such appeal. The party making the application for the appeal, if the same
 11 be allowed, shall, upon the allowance thereof, pay to the clerk the sum of thirty
 12 dollars (\$30) in cash, of which amount the sum of five dollars (\$5) shall be
 13 retained by said clerk as his fees for the authenticated record and the remain-
 14 ing twenty-five dollars (\$25) shall be transmitted by said clerk to the clerk of
 15 the supreme court, together with the authenticated record aforesaid, and there-
 16 upon said appeal shall be heard and determined in the same manner, as near as
 17 may be, as other cases of appeals.

Sec. 1768. FORMS OF APPEAL BONDS AND CERTIFICATES OF DEPOSIT.] The follow-

2 ing forms of appeal bonds, certificates of deposit and recognizances shall be
 3 deemed a sufficient compliance with the provisions of this act and shall be taken
 4 as furnishing suggestions from which other appeal bonds and certificates may
 5 be properly framed:

6 1. APPEAL BOND.

7 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

8 John Doe
 9 v. } Contract. No. 27.
 10 Richard Roe. }

11 APPEAL BOND.

12 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, Henry Roe and
 13 David Roe, of Cook county, Illinois, are held and firmly bound unto John Doe, of

14 Cook county, Illinois, in the penal sum of five thousand dollars (\$5,000) for the
 15 payment of which well and truly to be made we bind ourselves, our heirs, execu-
 16 tors and administrators, jointly and severally, firmly by these presents.

17 Witness our hands and seals this 15th day of February, 1908.

18 The condition of the above obligation is such that whereas the above named
 19 John Doe, did, on the 10th day of February, 1908, obtain in the circuit court of
 20 Cook county, Illinois, a judgment against the above bounden Richard Roe for the
 21 sum of four thousand dollars (\$4,000) and costs of the action, from which said
 22 judgment said Richard Roe has taken an appeal to the appellate court of the
 23 first district of Illinois:

24 Now, therefore, if the said Richard Roe shall perform the judgment appealed
 25 from and pay all costs and damages which may be awarded against him in said
 26 appellate court in case such judgment is affirmed by said appellate court, then
 27 this obligation is to be void; otherwise the same is to be and remain in full force
 28 and effect.

29 RICHARD ROE. [SEAL.]

30 HENRY ROE. [SEAL.]

31 DAVID ROE. [SEAL.]

32 Approved February 15, 1908.

33 JOHN SMITH, *Clerk*.

34 2. CERTIFICATE OF DEPOSIT.

35 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

36 John Doe
 37 v.
 38 Richard Roe. } Contract. No. 27.

39 CERTIFICATE OF DEPOSIT.

40 This is to certify that Richard Roe, the defendant in the above entitled ac-
 41 tion, has this day deposited with the undersigned as clerk of the circuit court of
 42 Cook county, Illinois, the following securities, to-wit: (here describe securities

deposited), which said deposit is made as security for the performance by said Richard Roe of a judgment for the sum of four thousand dollars (\$4,000) and costs of the action obtained against him by John Doe in the circuit court of Cook county, Illinois, on the 10th day of February, 1908, from which said judgment said Richard Roe has taken an appeal to the appellate court of the first district, in case such judgment shall be affirmed by said appellate court.

Dated Chicago, Illinois, February 14, 1908.

JOHN SMITH, *Clerk*.

3. RECOGNIZANCE UPON APPEAL FROM JUDGMENT IN QUASI CRIMINAL ACTION TO RECOVER FINE OR PENALTY FOR VIOLATION OF MUNICIPAL ORDINANCE.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

54	The City of Chicago	} Quasi Criminal. No. 50.
55	v.	
56	Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, one of the judges of the circuit court of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of two hundred dollars (\$200), to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that whereas the criminal court of Cook county, Illinois, on the 10th day of February, 1908, in the above entitled action therein pending, did enter a judgment in favor of the plaintiff and against the defendant for the sum of one hundred and fifty dollars (\$150) and the costs of the action, to reverse which said judgment said Richard Roe has prosecuted an appeal to the appellate court of Illinois of the First District:

Now, therefore, if, in case the said judgment is affirmed, or the appeal dismissed, or the judgment is reversed and the action remanded by the appellate

79	RICHARD ROE.	[SEAL.]
80	THOMAS JONES.	[SEAL.]
81	WILLIAM SMITH.	[SEAL.]

84 · JOHN JONES, *Judge*.

Sec. 1769. WHEN AUTHENTICATED RECORD TO BE FILED.]` An authenticated record of a final order, judgment or decree appealed from shall be filed in the office of the clerk of the supreme court or of the appellate court, as the case may be, within forty (40) days after the entry of such final order, judgment or decree, unless the court appealed from, by an order applied for within said forty (40) days, shall grant further time for the filing of the same, or unless additional time for the filing of the same shall be allowed by the supreme court or the appellate court, as the case may be.

Sec. 1770. FAILURE TO FILE AUTHENTICATED RECORD TO BE ABANDONMENT OF AP-
PEAL.] In case the authenticated record of a final order, judgment or decree ap-
pealed from shall not be filed in the office of the clerk of the supreme court or ap-
pellate court, as the case may be, within the time specified in the preceding sec-
tion such appeal shall be deemed abandoned: *Provided, however, that when the*
failure to file such authenticated record within the time thus specified shall ap-
pear to have been the result of accident or mistake the court appealed to may, in
its discretion, permit the filing of the same after the lapse of the time so specified.

Sec. 1771. **WHAT REVIEWABLE ON APPEAL.]** Upon appeal from any final order,
 2 judgment or decree, the court appealed to shall, at the instance of the party ap-
 3 pealing or of any other party to the record, review not only such order, judgment
 4 or decree appealed from, but also any previous final order, judgment or decree
 5 entered in the action.

Sec. 1772. **SUBSEQUENT APPEAL WHILE PRIOR APPEAL IS PENDING.]** Whenever,
 2 during the pendency of an appeal in the supreme court, or appellate court, an
 3 appeal is taken from an order, judgment or decree entered subsequently to the
 4 order, judgment or decree involved in such pending appeal, the authenticated rec-
 5 ord filed in such pending appeal shall, together with the order, judgment or decree
 6 subsequently appealed from and other portions of the record pertaining thereto
 7 duly certified by the clerk of the court appealed from, constitute the record for
 8 the purposes of such subsequent appeal and the supreme court, or appellate court,
 9 shall make such order with respect to the use of the same as may appear to be con-
 10 venient and needful; but such subsequent appeal shall be separately docketed in
 11 the supreme court or appellate court.

Sec. 1773. **WHEN WRIT OF ERROR MAY BE BROUGHT.]** A writ of error may only
 2 be brought for the reversal of a final order, judgment or decree and shall not be
 3 brought for the reversal of any order, judgment or decree not final in its nature.
 4 It shall not be brought after the expiration of two years from the rendition of
 5 the order, judgment or decree complained of; but when the person thinking him-
 6 self aggrieved by any order, judgment or decree which may be reviewed in the
 7 supreme court or appellate court shall be an infant, non compos mentis or under
 8 duress when the same was entered, the time of such disability shall be excluded
 9 from the computation of said two years.

Sec. 1774. **PROSECUTION OF WRIT OF ERROR—PRAECIPE—SUMMONS—PUBLICATION**
 2 **OF NOTICE.]** The prosecution of a writ of error shall be commenced by the filing in
 3 the supreme court or appellate court, as the case may be, of a præcipe for a writ

4 of error specifying the names of the parties to the action the proceedings in which
 5 are sought to be reviewed, the court to which the writ of error is prosecuted, and
 6 the name or names of the presiding judge or judges thereof before whom the
 7 proceedings sought to be reviewed were had, and the names or other
 8 specifications of the person or persons prosecuting the writ of error, whether
 9 plaintiffs, cross-plaintiffs, defendants, cross-defendants, petitioners, claimants,
 10 interveners or garnishees, and directing the clerk to issue a writ of error, and, if
 11 the parties or any of them are to be summoned or otherwise notified of the pend-
 12 ency of the writ of error, directing the clerk to issue the summons or publish the
 13 notice, as the case may be, and specifying the date on or before which the defend-
 14 ant is to be required to appear, which day shall be some Tuesday not less than fif-
 15 teen (15) nor more than thirty (30) days from the filing of the præcipe, in case
 16 the parties are to be served with summons, or on some Tuesday not less than forty
 17 (40) nor more than sixty (60) days after the first publication of notice, in case
 18 the parties are to be notified by publication of notice. In case of the substitu-
 19 tion of parties as hereinafter provided for the names of the parties shall be given
 20 as they appear after such substitution, and the præcipe shall state the names of
 21 the original parties to the action as they appear before such substitution was
 22 made, and the party suing out the writ of error shall likewise, in case of the sub-
 23 stitution of parties, file with the præcipe the affidavit or other proof hereinbefore
 24 required. The party suing out the writ of error in other than a criminal action
 25 shall also, at the time of the filing of his præcipe, and before such writ of error is
 26 issued, pay to the clerk of the court in which such writ of error is sued out the
 27 sum of twenty-five dollars (\$25) as the fees of such clerk.

Sec. 1775. WRIT OF ERROR BY HEIR, ETC.] When any person shall sue out a writ
 2 of error as heir, devisee or other legal representative of any deceased party, or
 3 as successor in office or trust of any party to the record, he shall file with his
 4 præcipe for a writ of error proof, by affidavit or otherwise, of the facts necessary
 5 to establish such heirship, deviseeship, representative capacity or successorship

6 and thereupon the action shall proceed as if such person had been regularly sub-
 7 stituted as a party upon the record and such party shall thereby become a party
 8 to the record, unless the supreme court or appellate court, as the case may be,
 9 shall, upon the application of any other party thereto, otherwise direct.

Sec. 1776. PROCEDURE IN CASE OF DEATH OF OPPOSITE PARTY.] When any per-
 2 son shall sue out a writ of error in any action, a criminal action excepted, in which
 3 any other party to the order, judgment or decree sought to be reviewed shall have
 4 died, or, if such other party be such in the capacity of a legal representative or
 5 officer or trustee and shall have been removed from his office or trust or for any
 6 other reason shall have ceased to be such representative, officer or trustee, and a
 7 successor shall have been appointed, the party suing out the writ of error shall
 8 file with his præcipe for a writ of error proof, by affidavit or otherwise, of the
 9 facts hereinbefore stated and thereupon the heir, devisee or other legal repre-
 10 sentative or successor in office or trust of such deceased party, or the successor in
 11 office or trust of the party to the record who shall have been removed from his
 12 office or trust or ceased to be such representative, officer or trustee, shall be
 13 deemed and treated as substituted as a party to the record and shall be summoned
 14 or otherwise notified of the pendency of the writ of error as is in this act pro-
 15 vided in case of the suing out of a writ of error after the lapse of sixty days from
 16 the entry of the order, judgment or decree sought to be reviewed.

Sec. 1777. FORMS OF PRAECIPES FOR WRITS OF ERROR.] The following forms of
 2 præcipes for writs of error shall be deemed to sufficiently comply with the pro-
 3 visions of the preceding sections and shall be taken as furnishing suggestions
 4 from which other præcipes for writs of error may be properly framed:

5 1. PRAECIPE WHEN THERE IS NO SUBSTITUTION OF PARTIES.

6 IN THE SUPREME COURT OF ILLINOIS.

7	John Doe	} No. 125. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by Plaintiff.
8	v.	
9	Richard Roe, Henry Roe	
10	and David Roe.	

11 PRAECIPE FOR WRIT OF ERROR.

12 To the clerk of said supreme court:

13 You will please issue a writ of error directed to the clerk of the circuit court
14 of Cook county in the above entitled action.

15 WILLIAM SMITH,
16 *Plaintiff's Attorney.*

17 (If the defendants are to be summoned the above form may be varied from
18 as follows:)

19 To the clerk of the said supreme court:

20 You will please issue a writ of error directed to the clerk of the circuit court
21 of Cook county in the above entitled action and also a summons to the defendants
22 requiring them to appear on Tuesday, the 11th day of February, 1908.

23 WILLIAM SMITH,
24 *Plaintiff's Attorney.*

25 (If the defendants are to be notified by publication of notice the above form
26 may be varied from as follows:)

27 To the clerk of the said supreme court:

28 You will please issue a writ of error directed to the clerk of the circuit court
29 of Cook county in the above entitled action and also publish a notice to the defend-
30 ants requiring them to appear on Tuesday, the 24th day of March, 1908.

31 WILLIAM SMITH,
32 *Plaintiff's Attorney.*

2. PRAECIPE WHEN THERE IS A SUBSTITUTION OF A PARTY PLAINTIFF.

IN THE SUPREME COURT OF ILLINOIS.

35	Mary Doe, as administratrix	} No. 127. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Pre- siding, prosecuted by Plain- tiff.
36	of the estate of John Doe,	
37	deceased,	
38	v.	
39	Richard Roe, Henry Roe	
40	and David Roe.	

PRAECIPE FOR WRIT OF ERROR.

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court of Cook county in the above entitled action in which, in said circuit court, John Doe was plaintiff and Richard Roe, Henry Roe and David Roe were defendants.

WILLIAM SMITH,
Plaintiff's Attorney.

(If the defendants are to be summoned or notified by publication of notice the above form may be varied from as suggested in respect to the preceding form.)

3. PRAECIPE WHEN THERE IS A SUBSTITUTION OF A PARTY DEFENDANT.

IN THE SUPREME COURT OF ILLINOIS.

52	John Doe	} No. 140. Writ of Error to Circuit Court of Cook County, Hon. John Jones, Judge Presiding, prosecuted by Plaintiff.
53	v.	
54	Mary Roe, as administratrix	
55	of the estate of Richard	
56	Roe, deceased, Henry Roe	
57	and David Roe.	

PRAECIPE FOR WRIT OF ERROR.

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court of Cook county in the above entitled action in which, in the court below, John Doe was plaintiff and Richard Roe, Henry Roe and David Roe were defendants, and also a summons requiring the defendant Mary Roe, as administratrix of the estate of Richard Roe, deceased, to appear on Tuesday, the 11th day of February, 1908.

WILLIAM SMITH,
Plaintiff's Attorney.

(If more than one or all of the defendants are to be summoned or notified by publication of notice, or part are to be summoned and others notified by publication of notice, the above form may be varied from accordingly.)

4. PRAECIPE WHEN WRIT OF ERROR IS SUED OUT BY ONE DEFENDANT ONLY, THE OTHERS NOT JOINING.

IN THE SUPREME COURT OF ILLINOIS.

John Doe	}	No. 110.
v.		Writ of Error to Circuit Court of Cook
Richard Roe, Henry Roe and		County, Hon. John Jones, Judge Presiding,
David Roe.		prosecuted by defendant David Roe.

PRAECIPE FOR WRIT OF ERROR.

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court of Cook county in the above entitled action.

WILLIAM SMITH,
Attorney for Defendant David Roe.

(If the other parties are to be summoned, the above form may be varied from as follows:)

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court of Cook county in the above entitled action and also a summons to the plaintiff John Doe, and to the defendants Richard Roe and Henry Doe, requiring them to appear on Tuesday the 11th day of February, 1908.

WILLIAM SMITH,
Attorney for Defendant David Roe.

(If a portion of the parties are to be notified by publication of notice the above form may be varied from as follows:)

To the clerk of said supreme court:

You will please issue a writ of error, directed to the clerk of the circuit court of Cook county in the above entitled action and a summons to the plaintiff, John Doe, requiring him to appear on Tuesday, the 11th day of February, 1908, and also publish a notice to the defendants Richard Roe and Henry Roe requiring them to appear on Tuesday, the 31st day of March, 1908.

WILLIAM SMITH,
Attorney for Defendant David Roe.

5. PRAECIPE WHEN WRIT OF ERROR IS SUED OUT BY AN INTERVENER.

IN THE SUPREME COURT OF ILLINOIS.

John Doe

v.

Richard Roe, Henry Roe and
David Roe.

No. 110.

Writ of Error to Circuit Court of Cook
County, Hon. John Jones, Judge Presid-
ing, prosecuted by Henry Smith, Inter-
vener.

PRAECIPE FOR WRIT OF ERROR.

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court
of Cook county in the above entitled action.

WILLIAM SMITH,

Attorney for Intervener Henry Smith.(If the defendants are to be summoned or notified by publication of notice,
or there has been a substitution of parties, the above form may be varied from
as suggested in respect to the preceding forms.)6. PRAECIPE WHEN WRIT OF ERROR IS SUED OUT IN ACTION IN WHICH CROSS-BILL
IS FILED.

IN THE SUPREME COURT OF ILLINOIS.

John Doe

v.

Richard Roe, Henry Roe and David
Roe,

David Roe, Cross-plaintiff,

v.

John Doe, Richard Roe, Henry Roe and
James Brown, Cross-defendants.

No. 110.

Writ of Error to Circuit Court of
Cook County, Hon. John Jones,
Judge Presiding, prosecuted by
David Roe, Cross-plaintiff.

PRAECIPE FOR WRIT OF ERROR.

To the clerk of said supreme court:

You will please issue a writ of error directed to the clerk of the circuit court
of Cook county in the above entitled action.

WILLIAM SMITH,

Attorney for Cross-plaintiff, David Roe.

136 (If the other parties are to be summoned or notified by publication of notice,
 137 or there be a substitution of the parties, the above form may be varied from as
 138 suggested in respect to the preceding forms.)

139 7. PRAECIPE WHEN WRIT OF ERROR IS SUED OUT IN ACTION IN WHICH CROSS-
 140 BILL AND BILL OF INTERVENTION ARE FILED.

141 IN THE SUPREME COURT OF ILLINOIS.

142 John Doe
 143 v.
 144 Richard Roe, Henry Roe and
 145 David Roe.
 146 ———
 147 David Roe, Cross-plaintiff,
 148 v.
 149 John Doe, Richard Roe and
 150 Henry Roe, Cross-defendants.
 151 ———
 152 Henry Brown, Intervention-
 153 plaintiff.
 154 v
 155 John Doe, Richard Roe, Henry
 156 Roe and David Roe, Interven-
 157 tion-defendants.

No. 110.
 Writ of Error to Circuit Court of Cook
 County, Hon. John Jones, Judge Presid-
 ing, prosecuted by John Doe, Plaintiff.

158 PRAECIPE FOR WRIT OF ERROR.

159 To the clerk of said supreme court:

160 You will please issue a writ of error directed to the clerk of the circuit court
 161 of Cook county in the above entitled action.

162 WILLIAM SMITH,

163 *Plaintiff's Attorney.*

164 (If the other parties are to be summoned or notified by publication of notice,
 165 or there be a substitution of parties, the above form may be varied from as sug-
 166 gested in respect to the preceding forms.)

167 8. PRAECIPE WHEN WRIT OF ERROR IS SUED OUT IN A CRIMINAL ACTION.

168 IN THE SUPREME COURT OF ILLINOIS.

169	The People of the State	}	No. 150.
170	of Illinois.		Writ of Error to Criminal Court of Cook
171	v.		County, Hon. John Jones, Judge pre-
172	Richard Roe.		siding, prosecuted by Defendant.

173 PRAECIPE FOR WRIT OF ERROR.

174 To the clerk of said supreme court:

175 You will please issue a writ of error directed to the clerk of the criminal
176 court of Cook county in the above entitled action.

177 WILLIAM SMITH,

178 *Defendant's Attorney.*

Sec. 1778. CLERK TO ISSUE WRIT OF ERROR—FORMS.] Upon the filing of such

2 præcipe for a writ of error, or præcipe and affidavit or other proof hereinbefore
3 required in case of a substitution of parties or in case there are parties to be noti-
4 fied by publication of notice, the clerk shall issue and deliver to the party suing
5 out the same a writ of error. The following forms of writs of error shall be
6 deemed to sufficiently comply with the provisions of this act and shall be taken
7 as furnishing suggestions from which other writs of error may be properly
8 framed:

9 1. WRIT OF ERROR WHEN THERE IS NO SUBSTITUTION OF PARTIES.

10 IN THE SUPREME COURT OF ILLINOIS.

11	John Doe	}	No. 110.
12	v.		Writ of Error to Circuit Court of Cook
13	Richard Roe, Henry Roe and		County, Hon. John Jones, Judge Presid-
14	David Roe.		ing, prosecuted by Plaintiff.

15 WRIT OF ERROR.

16 The People of the State of Illinois—GREETING to the clerk of the circuit court of
17 Cook county, Illinois:

18 You are hereby commanded to transmit or cause to be transmitted to the
19 supreme court of Illinois, without unnecessary delay, the record of an action
20 lately pending in said circuit court wherein John Doe was plaintiff and Richard

21 Roe and David Roe were defendants, in order that the errors therein, if any,
 22 may be corrected by said supreme court at the suit of said plaintiff.

23 Witness John Brown, clerk of our said supreme court and the seal thereof
 24 this 15th day of February, 1908.

25 JOHN BROWN, *Clerk.*

26 2. WRIT OF ERROR WHEN THERE IS A SUBSTITUTION OF A PARTY PLAINTIFF.

27 IN THE SUPREME COURT OF ILLINOIS.

28 Mary Doe, as administratrix	} Writ of Error to Circuit Court of Cook
29 of the estate of John Doe,	
30 deceased.	
31 v.	
32 Richard Roe, Henry Roe and	
33 David Roe.	ing, prosecuted by Plaintiff.

No. 118.

34 WRIT OF ERROR.

35 The People of the State of Illinois—GREETING to the clerk of the circuit court of
 36 Cook county, Illinois:

37 You are hereby commanded to transmit or cause to be transmitted to the su-
 38 preme court of Illinois, without unnecessary delay, the record of an action lately
 39 pending in said circuit court wherein John Doe was plaintiff and Richard Roe,
 40 Henry Roe and David Roe were defendants, in order that the errors therein, if
 41 any, may be corrected by said supreme court at the suit of said Mary Doe, as ad-
 42 ministratrix of the estate of John Doe, deceased, who has been substituted as
 43 plaintiff in place of said John Doe.

44 Witness John Brown, clerk of our said supreme court and the seal thereof
 45 this 15th day of February, 1908.

46 JOHN BROWN, *Clerk.*

3. WRIT OF ERROR IN AN ACTION IN WHICH A CROSS-BILL HAS BEEN FILED.

IN THE SUPREME COURT OF ILLINOIS.

John Doe

v.

Richard Roe, Henry Roe and
David Roe.

David Roe, Cross-plaintiff,

v.

John Doe, Richard Roe, Henry
Roe and James Brown, Cross-
defendants.

No. 117.

Writ of Error to Circuit Court of Cook
County, Hon. John Jones, Judge Presid-
ing, prosecuted by David Roe, Cross-
plaintiff.

WRIT OF ERROR.

The People of the State of Illinois—GREETING to the clerk of the circuit court of
Cook county, Illinois:

You are hereby commanded to transmit or cause to be transmitted to the su-
preme court of Illinois, without unnecessary delay, the record of an action lately
pending in said circuit court wherein John Doe was plaintiff and Richard Roe,
Henry Roe and David Roe were defendants and wherein David Roe was cross-
plaintiff and John Doe, Richard Roe, Henry Roe and James Brown were cross-
defendants, in order that the errors therein, if any, may be corrected by said su-
preme court at the suit of said David Roe, cross-plaintiff.

Witness John Brown, clerk of our said supreme court and the seal thereof
this 15th day of February, 1908.

JOHN BROWN, *Clerk*.

Sec. 1779. WHERE WRIT OF ERROR TO BE FILED—FILING TO BE NOTICE OF LIS

PENDENS.] Every writ of error must be filed in the court whose final order,
judgment or decree is sought to be reversed within ten days after the same has
been sued out of the supreme court or appellate court, as the case may be.
When any such writ of error shall be sued out in any criminal action and filed
as aforesaid, the clerk of the court in which the same is filed shall notify the
state's attorney of the county in which such court is held that the same has been
so filed and such state's attorney shall cause the appearance of the people to be
entered in such action in the court from which such writ of error is sued out.
The filing as aforesaid of a writ of error in any civil action shall be and operate

11 as notice of lis pendens, and all rights acquired by third persons subsequent
 12 thereto in respect to the subject matter of the action shall be subject to the final
 13 determination thereof.

Sec. 1780. WHEN SUMMONS TO BE ISSUED OR NOTICE PUBLISHED.] In case the
 2 præcipe, in any action other than a criminal action, shall so require, the clerk
 3 shall, upon the filing of the same, also issue a summons, or publish a notice, or
 4 both, in accordance with the directions thereof.

Sec. 1781. FORMS OF SUMMONS.] The following forms of summonses shall be
 2 deemed to sufficiently comply with the provisions of this act and shall be taken
 3 as furnishing suggestions from which other summonses may be properly framed:

4 1. SUMMONS TO ALL OF THE DEFENDANTS WHEN THERE IS NO SUBSTITUTION OF
 5 PARTIES.

6 IN THE SUPREME COURT OF ILLINOIS.

7	John Doe	}	No. 115.	
8	v.		Writ of Error to Circuit Court of Cook	
9	Richard Roe, Henry Roe and			county, Hon. John Jones, Judge Presid-
10	David Roe.				ing, prosecuted by Plaintiff.

11 SUMMONS.

12 The People of the State of Illinois—GREETING to Richard Roe, Henry Roe and
 13 David Roe:

14 You are hereby commanded to appear in person or by attorney before the
 15 supreme court of Illinois at the supreme court building in Springfield, Illinois,
 16 on Tuesday, the 9th day of March, 1908, to answer to the writ of error in the
 17 above entitled action.

18 Witness John Brown, clerk of our said supreme court and the seal thereof
 19 this 15th day of February, 1908.

20 JOHN BROWN, *Clerk.*

2. SUMMONS TO A SUBSTITUTED DEFENDANT.

IN THE SUPREME COURT OF ILLINOIS.

John Doe

v.

Mary Roe, as administratrix of
the estate of Richard Roe, de-
ceased, Henry Roe and David
Roe.

No. 118.

Writ of Error to Circuit Court of Cook
County, Hon. John Jones, Judge Presid-
ing, prosecuted by Plaintiff.

SUMMONS.

The People of the State of Illinois—GREETING to Mary Roe as administratrix of
the estate of Richard Roe, deceased:

You are hereby commanded to appear in person or by attorney before the
supreme court of Illinois at the supreme court building in Springfield, Illinois,
on Tuesday, the 9th day of March, 1908, to answer to the writ of error in the
above entitled action in which you have been substituted as a defendant in place
of Richard Roe.

Witness John Brown, clerk of our said supreme court and the seal thereof
this 15th day of February, 1908.

JOHN BROWN, *Clerk.*

Sec. 1782. WHEN SUMMONS NEED NOT BE SERVED.] When any writ of error

sued out of the supreme court or appellate court in any other than a criminal
action is filed in the court whose final order, judgment or decree is sought to be
reversed within seventy days after the entry of such order, judgment or decree,
all parties to the action in which such final order, judgment or decree has been
rendered, or who are bound or in any manner affected by such final order, judg-
ment or decree, shall be affected with notice of the prosecution of such writ of er-
ror and shall be bound to enter their appearance in the court from which said
writ of error has been issued within eighty days after the entry of such final
order, judgment or decree, to the same extent as if they had been served with a
summons issued out of the supreme court or appellate court, and in default of
such appearance, they shall be bound by the proceedings of the supreme court or
appellate court upon such writ of error. In any such case no order, other than
one extending the time for filing the authenticated record, or copies of the printed

15 record, or briefs or arguments, or other interlocutory order preparatory to the
 16 submission of the action for decision, shall be entered in the supreme court or ap-
 17 pellate court upon such writ of error in less than eighty days after the entry of
 18 such final order, judgment or decree without such notice, if any, to the parties to
 19 such writ of error as the supreme court or appellate court may deem proper.

Sec. 1783. **WHEN SUMMONS TO ISSUE.]** When any writ of error in any other
 2 than a criminal action is sued out of the supreme court or appellate court sev-
 3 enty days or more after the entry of the final order, judgment or decree sought
 4 to be reversed, the clerk of the supreme court or appellate court, as the case
 5 may be, shall issue a summons or publish a notice, or both as may be required by
 6 such præcipe. Whenever the party suing out the writ of error shall so request
 7 the clerk shall issue as many summonses as such party shall specify.

Sec. 1784. **SERVICE OF SUMMONS—UPON WHOM AND HOW MADE.]** Service of
 2 such summons shall be made upon the person or persons therein summoned in
 3 the same manner as a summons issued in an action at law commenced in a circuit
 4 court, but no copies of any other papers need be delivered with the copy of the
 5 summons to the person: *Provided, however,* that, when any party shall have ap-
 6 peared by attorney in the court to which the writ of error is directed, service of
 7 such summons may be made upon such attorney with the same effect as if made
 8 upon such party.

Sec. 1785. **SERVICE OF SUMMONS—BY WHOM MADE.]** Such summons may be
 2 served by any sheriff or deputy sheriff, coroner or deputy coroner, bailiff or dep-
 3 uty bailiff, of any court in the county in which such service is had, or by any per-
 4 son over the age of eighteen years not a party to the action.

Sec 1786. **PROOF OF SERVICE OF SUMMONS.]** When service of any such sum-
 2 mons is made by any sheriff, deputy sheriff, coroner, deputy coroner, bailiff or
 3 deputy bailiff, proof of such service may be made by the return of such officer en-

4 dorsed upon such summons and signed by him showing the time, place and man-
 5 ner of service. When such service is made by any person other than a sheriff,
 6 deputy sheriff, coroner, deputy coroner, bailiff or deputy bailiff, proof of such
 7 service shall be made by the affidavit of the person making such service endorsed
 8 on such summons or attached thereto, which affidavit shall give the name, place
 9 of residence, age and occupation of the person making such service and shall set
 10 forth the date, place and manner of such service.

Sec. 1787. WHEN APPEARANCE OF PARTY SUMMONED TO BE ENTERED.] Every
 2 party named in any such summons, who shall have been served with the same ten
 3 (10) days or more prior to the day therein specified for his appearance, shall en-
 4 ter his appearance in writing in the supreme court, or appellate court, as the case
 5 may be, on or before the day so specified, but in case the summons shall have been
 6 served upon such party less than ten (10) days prior to the day so specified for
 7 his appearance such party shall not be required to enter his appearance until on
 8 or before the first Tuesday succeeding such day so specified. A party failing
 9 to enter an appearance as provided in this section shall not be entitled to notice
 10 of any proceedings in such writ of error, but he shall not be thereby precluded
 11 from filing therein a brief and argument within the time specified in this act.

Sec. 1788. PROCEDURE IN CASE OF DEATH, ETC., OF PARTY PENDING APPEAL OR WRIT
 2 OF ERROR.] Whenever, during the pendency of an appeal or writ of error in any
 3 other than a criminal action, any party thereto shall die, or, if such party be a
 4 party in a representative capacity or as an officer or trustee and shall have been
 5 removed from his office or trust, or for any other reason shall have ceased to be
 6 such representative, officer, or trustee, and a successor shall have been ap-
 7 pointed, the heir, devisee or other legal representative of such deceased party,
 8 or the successor in office or trust of any such party, as the case may be, shall be
 9 substituted as a party upon the record in place of such party, and, unless he shall
 10 enter his appearance in the action, he shall be summoned or otherwise notified

11 of the pendency of the action in such manner as the supreme court or appellate
12 court, as the case may be, shall direct.

Sec. 1789. OTHER PROCEDURE AS TO SUBSTITUTION OF PARTIES TO BE REGULATED
2 BY RULES.] All other provisions than those made in this act which may be found
3 to be necessary or expedient in respect to the substitution of parties in cases of
4 appeals or writs of error shall be made by rules to be adopted, from time to time,
5 by the supreme court.

Sec. 1790. NOTIFICATION OF NON-RESIDENT AND UNKNOWN PARTIES.] When
2 there are parties to a writ of error who reside or have gone out of the state, or
3 on due inquiry cannot be found or are concealed within this State so that pro-
4 cess cannot be served upon them, or whose names are unknown, they may be noti-
5 fied of the pendency of the writ of error by publication of notice as hereinbefore
6 in this act provided. But no such notice by publication shall be necessary in
7 any case in which service of summons may be made upon an attorney of record
8 as hereinbefore provided.

Sec. 1791. WHEN AUTHENTICATED RECORD TO BE FILED UPON WRIT OF ERROR.]
2 An authenticated record of an order, judgment or decree sought to be reversed
3 by writ of error shall be filed in the office of the clerk of the supreme court, or
4 the appellate court, as the case may be, within twenty days after the suing out
5 of such writ of error, unless additional time for the filing of such authenticated
6 record shall be allowed by the supreme court or appellate court, or by the court
7 to which such writ of error is prosecuted: *Provided, however,* that when any
8 writ of error is sued out and filed in the court in which the final order, judgment
9 or decree sought to be reversed has been entered within seventy (70) days after
10 the entry of such order, judgment or decree, the time for filing the authenti-
11 cated record shall extend to eighty (80) days after the entry of such final order,
12 judgment or decree and to such further time as may be allowed therefor by the
13 supreme court or appellate court.

Sec. 1792. STAY OF PROCEEDINGS UPON WRIT OF ERROR—HOW OBTAINED—

2 FORMS.] Upon the suing out of any writ of error in any other than a criminal
 3 action and the filing of the same in the court in which the final order, judgment
 4 or decree sought to be reversed has been entered, the court which has entered
 5 such final order, judgment or decree shall, upon the application of the party
 6 prosecuting such writ of error, enter an order staying proceedings thereunder un-
 7 til the further order of the court, or until the filing in such court of a certified
 8 copy of an order, judgment or decree of the appellate court or supreme court,
 9 as the case may be, affirming such order, judgment or decree, or dismissing such
 10 writ of error, upon the filing in such court which has entered such final order,
 11 judgment or decree, by the party suing out such writ of error, of a bond in such
 12 sum and with such security as may be approved by such court, conditioned, as
 13 near as may be, as is required in case of an appeal bond upon an appeal from a
 14 final order, judgment or decree, or upon the making of a deposit as security as in
 15 case of an appeal, or a like order staying proceedings may be made by the
 16 court from which such writ of error has been prosecuted, on the filing of a like
 17 bond to be approved by the court, or one of the judges thereof, or the making of
 18 a like deposit of money. When the writ of error is prosecuted to review a judg-
 19 ment in a quasi criminal action brought by a municipal corporation for the vio-
 20 lation of a municipal ordinance, or in an action of contempt, the party prosecut-
 21 ing the writ of error may, in lieu of tendering a bond, as above provided for,
 22 enter into a recognizance in such sum and with such security as may be approved
 23 by such court, conditioned, as near as may be, as is required in case of recogniz-
 24 ance upon an appeal from a judgment in such action, or a like order staying pro-
 25 ceedings may be made by the court from which such writ of error has been prose-
 26 cuted, on the entering into of a like recognizance to be approved by the court or
 27 one of the judges thereof. The following forms of bonds, certificates of deposit
 28 and recognizances shall be deemed to sufficiently comply with the provisions of
 29 this section and shall be taken as furnishing suggestions from which other
 30 forms of bonds and certificates may be properly framed:

31 1. STAY ORDER BOND.

32 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

33 John Doe
 34 v.
 35 Richard Roe. } Contract. No. 27.

36 STAY ORDER BOND.

37 KNOW ALL MEN BY THESE PRESENTS, That we, Richard Roe, Henry Roe and
 38 David Roe, are held and firmly bound unto John Doe in the penal sum of five
 39 thousand dollars (\$5,000) for the payment of which well and truly to be made
 40 we bind ourselves, our heirs, executors, administrators and assigns, jointly and
 41 severally, firmly by these presents.

42 Witness our hands and seals this 28th day of February, 1908.

43 The condition of the above obligation is such that whereas the above named
 44 John Doe did, on the 10th day of February, 1908, obtain in the circuit court of
 45 Cook county, Illinois, in the above entitled action, a judgment against the above
 46 bounden Richard Roe for the sum of four thousand dollars (\$4,000) and costs
 47 of the action, to reverse which said judgment said Richard Roe has sued out a
 48 writ of error from the appellate court of the first district of Illinois:

49 Now, therefore, if the said Richard Roe shall perform the judgment so
 50 sought to be reversed by said writ of error and pay all costs and damages which
 51 may be awarded against him in said appellate court in case such judgment is
 52 affirmed or said writ of error is dismissed by said appellate court, then this ob-
 53 ligation is to be void; otherwise the same is to be and remain in full force and
 54 effect.

55 RICHARD ROE [SEAL.]

56 HENRY ROE [SEAL.]

57 DAVID ROE [SEAL.]

58 Approved February 28, 1908.

59 JOHN SMITH, *Clerk*.

60 2. CERTIFICATE OF DEPOSIT.

61 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

62 John Doe
 63 v.
 64 Richard Roe. } Contract. No. 27.

65 CERTIFICATE OF DEPOSIT.

66 This is to certify that Richard Roe has this day deposited with the under-
 67 signed, as clerk of the circuit court of Cook county, Illinois, the following se-

curities, to wit: (here describe securities deposited) which said deposit is made as security for the performance by said Richard Roe of a judgment for the sum of four thousand dollars (\$4,000) and costs of the action obtained against him by John Doe in the above entitled action in the circuit court of Cook county, Illinois, on the 10th day of February, 1908, to reverse which said judgment said Richard Roe has prosecuted a writ of error from the appellate court of the first district, in case such judgment shall be affirmed or said writ of error dismissed by said appellate court.

Dated Chicago, Illinois, February 28, 1908.

JOHN SMITH, *Clerk*.

3. RECOGNIZANCE UPON WRIT OF ERROR TO REVIEW JUDGMENT IN QUASI CRIMINAL ACTION TO RECOVER FINE OR PENALTY FOR VIOLATION OF MUNICIPAL ORDINANCE.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

City of Chicago	} Quasi Criminal. No. 50.
v.	
Richard Roe.	

RECOGNIZANCE.

This day personally appeared before the undersigned, one of the judges of the criminal court of Cook county, Illinois, Richard Roe, as principal, and Thomas Jones and William Smith, as sureties, and jointly and severally acknowledged themselves to owe and to be indebted unto the People of the State of Illinois in the penal sum of two hundred dollars (\$200) to be levied of their goods and chattels, lands and tenements, respectively, in such manner as the law directs.

The condition of this recognizance is such that whereas, the criminal court of Cook county, Illinois, on the 10th day of February, 1908, in the above entitled action therein pending, did enter a judgment in favor of the plaintiff and against the defendant for the sum of one hundred fifty dollars (\$150) and the costs of the action, to reverse which said judgment said Richard Roe has sued out a writ of error from the appellate court of the first district:

Now, therefore, if, in case the said judgment is affirmed, or the writ of error dismissed, or the judgment is reversed and the action remanded by the appellate court, said Richard Roe shall surrender himself to the sheriff of Cook county within ten (10) days after a certified copy of such judgment of affirmance, or dismissal, or reversal and remandment, shall have been filed in such criminal court, then this obligation is to be void; otherwise the same is to be and remain in full force and effect.

104 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
105 1908.

106 RICHARD ROE [SEAL.]

107 THOMAS JONES [SEAL.]

108 WILLIAM SMITH [SEAL.]

109 Taken, acknowledged and entered into before me this 10th day of Febru-
110 ary, 1908. JOHN JONES, *Judge.*

Sec. 1793. STAY ORDER IN CRIMINAL ACTION FOR MISDEMEANOR—FORM OF RE-

COGNIZANCE.] In any criminal action in which the sentence imposed upon the defendant is not death or confinement in the penitentiary, upon the delivery by the defendant to the clerk of the court by which such sentence has been imposed of a præcipe for a writ of error from the supreme court to reverse such judgment of sentence, together with the sum of ten dollars (\$10) as the fees of the clerk of the supreme court, the court which has entered such sentence shall, upon the application of the party prosecuting such writ of error, enter an order staying the execution of such sentence until the final determination of such writ of error, and releasing the defendant from custody during the pendency thereof, upon his entering into a recognizance in such sum as may be fixed therefor by the court, as hereinafter provided, with good and sufficient sureties to be approved by the court, conditioned that, in case the order or judgment sought to be reversed is affirmed or the writ of error dismissed, or the order or judgment is reversed and the action remanded, by the supreme court, he will surrender himself to said sheriff within ten days after a certified copy of such judgment of affirmance or dismissal, or reversal and remandment, shall have been filed in the court in which the order sought to be reversed by the writ of error has been entered; *Provided, however,* that in a case of criminal contempt of court committed in the presence of the court the entry of an order staying the execution of the sentence and releasing the defendant from custody during the pendency of the writ of error shall be in the discretion of the court by which the sentence has been imposed. The clerk of the court in which the

24 sentence has been entered shall forthwith transmit said præcipe for a writ of
 25 error, together with said ten dollars (\$10) as clerk's fees to the clerk of
 26 the supreme court, who shall thereupon issue the writ of error and
 27 transmit the same to the clerk of the court in which the sentence has been
 28 entered and the same shall be by him filed in the action, and such writ
 29 of error shall be considered as sued out at the time of the delivery
 30 of the præcipe as aforesaid to said clerk of the court in which the
 31 sentence has been entered. In case of the reversal of the judgment
 32 by the supreme court, the ten (\$10) dollars above provided for shall
 33 be refunded by the clerk of the supreme court to the party prose-
 34 cuting such writ of error. Such recognizance may be substantially
 35 in the following form:

36 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

37	The People of the	} Criminal. No. 35.
38	State of Illinois	
39	v. Richard Roe.	

40 RECOGNIZANCE.

41 This day personally appeared before the undersigned, one of the judges of
 42 the circuit court of Cook county, Illinois, Richard Roe, as principal, and Thomas
 43 Jones and William Smith, as sureties, and jointly and severally acknowledged
 44 themselves to owe and to be indebted unto the People of the State of Illinois in
 45 the penal sum of one hundred dollars (\$100) to be levied of their goods and chat-
 46 tels, lands and tenements, respectively, in such manner as the law directs.

47 The condition of this recognizance is such that whereas the criminal court
 48 of Cook county, Illinois, on the 10th day of February, 1908, in the above entitled
 49 action therein pending, did enter a judgment sentencing the said Richard Roe
 50 to pay a fine of fifty dollars (\$50) and the costs of the action, to reverse which
 51 said judgment said Richard Roe has sued out a writ of error from the supreme
 52 court of Illinois:

53 Now, therefore, if, in case the said judgment is affirmed or the writ of error
 54 dismissed, or the judgment is reversed and the action remanded, by the supreme
 55 court, said Richard Roe shall surrender himself to the sheriff of Cook county
 56 within ten (10) days after a certified copy of such judgment of affirmance or dis-
 57 missal or reversal and remandment shall have been filed in said criminal court,
 58 then this obligation is to be void; otherwise the same is to be and remain in full
 59 force and effect.

60 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
 61 1908.

62 RICHARD ROE [SEAL.]

63 THOMAS JONES [SEAL.]

64 WILLIAM SMITH [SEAL.]

65 Taken, acknowledged and entered into before me this 10th day of February,
 66 1908.

67 JOHN JONES, *Judge*.

Sec. 1794. HOW AMOUNT OF RECOGNIZANCE DETERMINED.] If, in a case pro-
 2 vided for in the preceding section, the sentence of the defendant is a fine only,
 3 the amount of the recognizance to be required of the defendant shall be a sum
 4 fifty per cent. in excess of the amount of such fine and the costs of the action;
 5 in case the sentence of the defendant is imprisonment in the county jail, work-
 6 house, or house of correction without fine in addition thereto, the amount of
 7 such recognizance to be required of the defendant shall be two hundred and fifty
 8 dollars (\$250) for each month or fractional month of such imprisonment and the
 9 costs of the action; in case the sentence of the defendant is both imprisonment
 10 in the county jail, work-house or house of correction and a fine, the amount of
 11 such recognizance to be required of the defendant shall be two hundred and
 12 fifty dollars (\$250) for each month or fractional month of such imprisonment and
 13 in addition thereto a sum fifty per cent. in excess of such fine and the costs of the
 14 action: *Provided, however, that every such recognizance shall be not less than*

15 one hundred dollars (\$100) and, if more than one hundred dollars (\$100), shall
 16 be some multiple thereof.

Sec. 1795. DEPOSIT IN LIEU OF RECOGNIZANCE—FORM OF CERTIFICATE.] In lieu
 2 of entering into a recognizance as provided in the two next preceding sections the
 3 defendant shall, if he so elect, be permitted to deposit with the clerk of the court
 4 in which the final order or judgment sought to be reversed has been entered a
 5 sum in cash as security that, in case the order or judgment sought to be re-
 6 versed is affirmed or the writ of error dismissed or the order or judgment is
 7 reversed and the action remanded by the supreme court, he will surrender him-
 8 self to said sheriff within ten days after a certified copy of such judgment of af-
 9 firmance or dismissal or reversal and remandment shall have been filed in the
 10 court in which the order or judgment sought to be reversed by the writ of error
 11 has been entered. In case the sentence of the defendant is a fine only, the amount
 12 of the deposit so to be required of the defendant shall be five per cent. in ex-
 13 cess of such fine and the costs of the action. In case the sentence of the defend-
 14 ant is imprisonment in the county jail, work-house or house of correction without
 15 fine in addition thereto, the amount of such deposit required of the defendant
 16 shall be two hundred dollars (\$200) for each month or fractional month of such
 17 imprisonment and an additional sum equal to the costs of the action. In case the
 18 sentence of the defendant is both imprisonment in the county jail, work-house
 19 or house of correction and a fine, the amount of such deposit to be required of the
 20 defendant shall be two hundred dollars (\$200) for each month or fractional month
 21 of such imprisonment and a further sum of five per cent. in excess of the amount
 22 of such fine and the costs of the action. The certificate of such deposit may be in
 23 substantially the following form:

24 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

25	The People of the	} Criminal. No. 23.
26	State of Illinois	
27	v. Richard Roe.	

28 CERTIFICATE OF DEPOSIT.

29 This is to certify that Richard Roe, the defendant in the above entitled ac-
 30 tion, has sued out of the supreme court a writ of error in the above entitled ac-

tion to reverse the judgment entered therein on or about the 10th day of February, 1908, and has this day deposited with the undersigned, as clerk of the criminal court of Cook county, Illinois, the sum of eight hundred fifty dollars (\$850), which said deposit is made as security that, in case the said judgment is affirmed, or the writ of error dismissed or the judgment is reversed and the action remanded by the supreme court, said Richard Roe shall surrender himself to the sheriff of Cook county within ten (10) days after a certified copy of such judgment of affirmance or dismissal or reversal and remandment shall have been filed in said criminal court.

Dated Chicago, Illinois, February 14, 1908.

HENRY THOMAS, *Clerk*.

Sec. 1796. DISPOSITION TO BE MADE OF DEPOSIT.] When, in any case provided for in the preceding section, the final order or judgment sought to be reversed by such writ of error is reversed by the supreme court without the action being remanded, the clerk of the court with whom said deposit has been made shall return the same to the defendant who has prosecuted such writ of error. If the order or judgment sought to be reversed by such writ of error is affirmed or the writ of error dismissed, or the order or judgment is reversed and the action remanded, by the supreme court, the clerk with whom such deposit has been made shall dispose of the same as follows:

First—WHEN DEFENDANT SURRENDERS.] In case the defendant shall have surrendered himself to the sheriff of the county in which the order or judgment so affirmed has been entered within ten days after a certified copy of such judgment of affirmance or dismissal, or of reversal and remandment, shall have been filed in the court in which the order sought to be reversed by the writ of error has been entered, or shall have otherwise complied with the conditions of such deposit, the clerk shall return such deposit to the defendant who has prosecuted such writ of error and the order or judgment shall be enforced according to the terms thereof.

19 *Second*—WHEN DEFENDANT DOES NOT SURRENDER.] In case the defendant shall
 20 not have surrendered himself to the sheriff of the county in which the order or
 21 judgment has been entered within ten days after a certified copy of such judg-
 22 ment of affirmance or dismissal, or of reversal and remandment, shall have been
 23 filed in the court in which the order sought to be reversed by writ of error has
 24 been entered, or shall not have otherwise complied with the conditions of such
 25 deposit, the clerk, if the sentence of the defendant is a fine only, shall apply such
 26 deposit to the payment of such fine and the costs of the action, including the costs
 27 in the supreme court, and shall pay the balance thereof to the defendant on appli-
 28 cation of the defendant therefor; but if the sentence of the defendant is imprison-
 29 ment in the county jail, work-house or house of correction, with or without a fine
 30 in addition thereto, the amount of such deposit shall be deemed forfeited and
 31 shall be disposed of by the clerk in such manner as may be directed by the court
 32 in which said order or judgment has been entered, and such order or judgment
 33 shall thereupon be carried into execution as if no writ of error had been prose-
 34 cuted therefrom.

 Sec. 1797. STAY ORDER IN CRIMINAL ACTION FOR FELONY—FORM OF RECOGNI-
 2 ZANCE.] Upon the suing out of any writ of error in a criminal action in which
 3 the sentence imposed upon the defendant is death or confinement in the peni-
 4 tentiary and the filing of such writ of error in the court in which the final order
 5 or judgment sought to be reversed has been entered, the court which has entered
 6 such final order or judgment shall enter an order staying the execution of such
 7 sentence until the final determination of such writ of error, and, if the punish-
 8 ment of the defendant is not death, the court may, in its discretion, release the
 9 defendant from custody during the pendency of such writ of error, upon the de-
 10 fendant's entering into a recognizance in such sum as may be fixed therefor by
 11 the court with good and sufficient sureties to be approved by the court, con-
 12 ditioned that, in case the order or judgment sought to be reversed is affirmed or
 13 the writ of error dismissed, or the order or judgment is reversed and the action
 14 remanded by the supreme court, he will, within ten days after a certified

15 copy of such judgment of affirmance, or dismissal, or reversal and remandment,
 16 shall have been filed in the court in which the order sought to be reversed by
 17 writ of error has been entered, surrender himself to said sheriff. If the punish-
 18 ment fixed by the order or judgment sought to be reversed is death the defendant
 19 shall in no case be released from custody, unless or until the supreme court
 20 shall otherwise direct. The recognizance hereinbefore provided for may be in
 21 substantially the following form:

22 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

23	The People of the	} Criminal. No. 35.
24	State of Illinois	
	v.	
25	Richard Roe.	

26 RECOGNIZANCE.

27 This day personally appeared before the undersigned, one of the judges
 28 of the circuit court of Cook county, Illinois, Richard Roe, as principal, and
 29 Thomas Jones and William Smith, as sureties, and jointly and severally acknowl-
 30 edged themselves to owe and to be indebted unto the People of the State of Illi-
 31 nois in the penal sum of two thousand dollars (\$2,000), to be levied of their goods
 32 and chattels, lands and tenements, respectively, in such manner as the law di-
 33 rects.

34 The condition of this recognizance is such that whereas, the criminal court
 35 of Cook county, Illinois, on the 10th day of February, 1908, in the above entitled
 36 action therein pending, did enter a judgment sentencing the said Richard Roe to
 37 confinement in the penitentiary and to pay the costs of the action, to reverse
 38 which said judgment said Richard Roe has sued out a writ of error from the su-
 39 preme court of Illinois:

40 Now, therefore, if, in case the said judgment is affirmed or the writ of
 41 error dismissed, or the judgment is reversed and the action remanded, by
 42 the supreme court, said Richard Roe shall surrender himself to the sheriff of
 43 Cook county within ten (10) days after a certified copy of such judgment of
 44 affirmance, or dismissal, or reversal and remandment shall have been filed in

45 said criminal court, then this obligation is to be void; otherwise the same is to be
46 and remain in full force and effect.

47 Witness our hands and seals at Chicago, Illinois, this 10th day of February,
48 1908. RICHARD ROE. [SEAL.]

49 THOMAS JONES. [SEAL.]

50 WILLIAM SMITH. [SEAL.]

51 Taken, acknowledged and entered into before me this 10th day of February,
52 1908. JOHN JONES, *Judge*.

Sec. 1798. DEFENDANT NOT TO BE TRANSFERRED TO PENITENTIARY UNTIL LAPSE
2 OF TEN DAYS.] No defendant sentenced to imprisonment in the penitentiary
3 shall, excepting with his consent, be conveyed to the penitentiary in pursuance
4 of the order or judgment imposing such sentence until the lapse of ten days after
5 the entry of such order or judgment, and no defendant whose sentence is other
6 than death or imprisonment in the penitentiary, if he shall be on bail at the time
7 of his conviction, shall be imprisoned by reason or in pursuance of such sen-
8 tence, until the lapse of ten days after the entry of the judgment imposing such
9 sentence, unless he shall have surrendered himself to the proper officer or unless
10 he shall have been so surrendered by his surety or sureties.

Sec. 1799. DUTY OF SUPREME COURT WHEN AUTHENTICATED RECORD, BRIEFS
2 AND ARGUMENTS FILED—FORM OF RECOGNIZANCE.] Whenever, in any criminal ac-
3 tion, the authenticated record and the briefs or arguments of the defendant
4 have been filed in the supreme court, it shall be the duty of the court to con-
5 sider the questions presented by the record, and if, after such consideration, the
6 court are clearly of the opinion that the order or judgment to reverse which the
7 writ of error has been prosecuted ought to be affirmed and that there is no rea-
8 sonable doubt of the guilt of the defendant of the offense of which he has been
9 convicted, it shall be the duty of the court to affirm such order or judgment, and
10 in such case it shall be unnecessary for the court to file any written opinion giv-
11 ing its reasons for such decision. If, on the other hand, the court is of the

opinion that the questions presented by the record are of such character that they should be further considered by the court and argued on behalf of the people, the action shall thereupon be heard and determined in due course as other cases pending in the court. The court may, however, in any case in which it appears that the order or judgment of the inferior court is plainly and palpably erroneous and ought to be reversed, reverse the same without further consideration thereof. The court may also, upon consideration of the case, or at any time, upon application of the defendant, enter an order directing the court to which the writ of error is prosecuted to release the defendant from custody upon his entering into a recognizance in such sum as the supreme court shall specify, and with good and sufficient sureties, conditioned that he will surrender himself to the sheriff of the county in which the order or judgment sought to be reversed has been entered within ten days after the filing in the court which has entered such order, of a certified copy of the judgment of the supreme court affirming the order or judgment, or dismissing the writ of error, or reversing the order or judgment and remanding the action to such court. The recognizance in this section provided for may be in substantially the following form:

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

31	The People of the	} Criminal. No. 35.
32	State of Illinois	
	v.	
33	Richard Roe.	

34 RECOGNIZANCE.

35 This day personally appeared before the undersigned, one of the judges of
 36 the circuit court of Cook county, Illinois, Richard Roe, as principal, and
 37 Thomas Jones and William Smith, as sureties, and jointly and severally ac-
 38 knowledged themselves to owe and to be indebted unto the People of the State
 39 of Illinois in the penal sum of five thousand dollars (\$5,000) to be levied of their
 40 goods and chattels, lands and tenements, respectively, in such manner as the law
 41 directs.

42 The condition of this recognizance is such that whereas the criminal court
 43 of Cook county, Illinois, on the 10th day of February, 1908, in the above entitled
 44 action therein pending, did enter a judgment sentencing the said Richard Roe
 45 to imprisonment in the penitentiary and to pay the costs of the action, to reverse
 46 which said judgment said Richard Roe sued out a writ of error from the supreme
 47 court of Illinois; and whereas said supreme court has entered an order directing
 48 the criminal court of Cook county to release said Richard Roe from custody
 49 upon his entering into a recognizance as specified in such order:

50 Now, therefore, if, in case the said judgment is affirmed or the writ of error
 51 dismissed, or the judgment is reversed and the action remanded by said su-
 52 preme court, said Richard Roe shall surrender himself to the sheriff of Cook
 53 county within ten (10) days after a certified copy of such judgment of affirmance,
 54 or dismissal, or reversal and remandment, shall have been filed in said criminal
 55 court, then this obligation is to be void; otherwise the same is to be and remain
 56 in full force and effect.

57 Witness our hands and seals at Chicago, Illinois, this 24th day of February,
 58 1908.

RICHARD ROE. [SEAL.]

58 THOMAS JONES. [SEAL.]

59 WILLIAM SMITH. [SEAL.]

60 Taken, acknowledged and entered into before me this 10th day of February,
 61 1908.

JOHN JONES, *Judge.*

Sec. 1800. WHEN APPEAL AS OF RIGHT FROM INTERLOCUTORY ORDER, ETC., MAY
 2 BE TAKEN—DEPOSIT—FORM OF NOTICE.] An appeal from an interlocutory order,
 3 judgment or decree which a party is entitled to prosecute as a matter of right
 4 may be taken at any time within five (5) days after the rendition of such order,
 5 judgment or decree by the filing with the clerk of the court in which the order,
 6 judgment or decree has been rendered of a notice of the taking of such appeal
 7 and by paying to said clerk the sum of thirty dollars (\$30) in cash, of which
 8 amount the sum of five dollars (\$5) shall be retained by said clerk as his fees
 9 for the authenticated record and the remaining twenty-five dollars (\$25) of said
 10 amount shall be transmitted by said clerk to the clerk of the court appealed to, as

the costs of such clerk, together with the authenticated record of the action in which the appeal is taken. Upon the taking of such appeal the clerk shall immediately notify the opposite parties thereof by telephone or otherwise. The following form shall be deemed a sufficient form of notice.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

16	John Doe	} Contract. No. 215.
17	v.	
18	Richard Roe.	

NOTICE OF APPEAL.

Notice is hereby given that the defendant has taken an appeal to the appellate court of the first district from the interlocutory order entered in the above entitled action on the 10th day of February, 1908.

Dated February 24, 1908.

WILLIAM SMITH,
Attorney for Defendant.

Sec. 1801. DAMAGES FOR FRIVOLOUS OR VEXATIOUS APPEAL.] Upon the affirmance of any such interlocutory order, judgment or decree appealed from, or the dismissal of the appeal, by the court appealed to, such court shall, if in its opinion such appeal was prosecuted frivolously or vexatiously, award the opposite party as damages a sum not exceeding one hundred dollars (\$100).

Sec. 1802. MANNER OF PERFECTING INTERLOCUTORY APPEAL NOT MATTER OF RIGHT.] An appeal from an interlocutory order, judgment or decree, which a party is not entitled to prosecute as a matter of right, may be applied for at any time within five (5) days after the rendition of such order, judgment or decree. Such application shall be made in the first instance to the court by which such order, judgment or decree has been entered and such appeal may be allowed by an order entered upon the register and minute book. It shall be unnecessary to specify in any such order any reasons for the allowance of such appeal. Upon the allowance of such appeal the party taking the same shall pay to the clerk of the court in which the order, judgment or decree has been rendered the

11 sum of thirty dollars (\$30) in cash, of which amount the sum of five dollars
12 (\$5) shall be retained by said clerk as his fees for the authenticated record and
13 the remaining twenty-five dollars (\$25) of said amount shall be transmitted by the
14 clerk to the clerk of the court appealed to as the costs of such clerk, together with
15 the authenticated record. In case such appeal be refused by said court the order
16 of the court so refusing the appeal shall be minuted upon the register and minute
17 book and thereupon at any time within twenty (20) days thereafter application
18 for such appeal may be made to the court proposed to be appealed to, by the filing
19 in the office of the clerk of said court, by the party applying for such appeal, of a
20 motion for the allowance thereof and by his causing to be filed therein the authen-
21 ticated record of the order, judgment or decree proposed to be appealed from, to-
22 gether with twelve copies of the printed record and twelve copies of the printed
23 brief and argument of such party in support of the application for such appeal:
24 *Provided, however,* that the time for the filing of an authenticated record, printed
25 record and printed briefs and arguments may be extended either by the court
26 in which such order, judgment or decree has been entered or by the court ap-
27 pealed to. The party making the application for the appeal shall also, at the
28 time of applying for such appeal, pay to the clerk of the court proposed to be
29 appealed to the sum of twenty-five dollars (\$25) as his fees in such appeal. For
30 the purposes of such appeal the clerk of the court proposed to be appealed from,
31 upon the payment by the party applying for the appeal of the sum of five dollars
32 (\$5) as the fees of such clerk, shall prepare and transmit to the clerk of the
33 court proposed to be appealed to the authenticated record aforesaid. Upon the
34 filing of such motion, authenticated record and copies of printed record and
35 briefs and arguments, in the office of the clerk of the court proposed to be ap-
36 pealed to, the clerk of said court shall notify the court thereof and the court
37 shall thereupon allow or disallow the appeal as justice may seem to require. In
38 case of the allowance of the appeal the same shall be heard and determined in
39 the same manner, as near as may be, as other cases of appeal.

Sec. 1803. APPEAL FROM INTERLOCUTORY ORDER NOT TO OPERATE AS STAY UN-

2 LESS, ETC.] No appeal from any interlocutory order shall operate as a stay of
 3 proceedings in the action in which the order, judgment or decree appealed from
 4 has been entered, unless the court in which such order, judgment or decree has
 5 been entered, or the court to which the appeal is taken, shall grant such stay of
 6 proceedings, in which case such order staying the proceedings shall be made
 7 upon such terms as the court granting the same, in its discretion, may prescribe.

Sec. 1804. TIME FOR FILING INTERLOCUTORY AUTHENTICATED RECORD.] The

2 authenticated record of such interlocutory order, judgment or decree appealed
 3 from, when the appeal has been allowed by the court in which such order, judg-
 4 ment or decree has been entered, shall be filed in the court appealed to within
 5 twenty (20) days after the entry of the order, judgment or decree appealed
 6 from, unless the court in which such order, judgment or decree has been entered,
 7 or the court appealed to, shall, upon application made therefor within said twenty
 8 days, extend the time for the filing of the same: *Provided, however, that the*
 9 *court appealed from or the court appealed to may, in its discretion, order the*
 10 *authenticated record to be filed at an earlier date.*

Sec. 1805. INTERLOCUTORY APPEALS TO BE GIVEN PRECEDENCE.] Interlocutory

2 appeals shall be given precedence over all other cases in each court appealed
 3 to, excepting as may be otherwise provided by this act, and shall be determined
 4 without formality and unnecessary delay. In case of the affirmance of an order,
 5 judgment or decree appealed from, no written opinion need be filed, but the
 6 court may, in its discretion, announce in writing its reasons for such affirmance,
 7 and it shall be its duty to so announce its reasons whenever, in its opinion,
 8 such announcement may aid in the speedy and proper final determination of
 9 the action in the court appealed from. In case of the reversal of an order, judg-
 10 ment or decree appealed from the court appealed to shall file such brief state-
 11 ment in writing with respect to such order, judgment or decree appealed from

12 as to enable the court which has entered such order, judgment or decree to
 13 correct the error therein or to avoid further errors of a similar character.

Sec. 1806. IMMEDIATE HEARING IN INJUNCTION AND RECEIVERSHIP CASES—PRO-
 2 CEDURE.] Any party prosecuting an appeal from an interlocutory order grant-
 3 ing an injunction or appointing a receiver shall, upon the filing in the court ap-
 4 pealed to of the authenticated record of the order appealed from, be entitled to
 5 an immediate hearing of such appeal upon notice to the opposite party of the
 6 application for such immediate hearing, if, at the time of such application, there
 7 are present at the place of holding the court appealed to a majority of the
 8 judges thereof, or of a branch thereof, if such court appealed to consists of
 9 two or more branches; and the hearing of such appeal shall take precedence over
 10 all other business then pending before the court appealed to, excepting other
 11 interlocutory appeals from orders granting injunctions or appointing receivers
 12 in which applications for immediate hearings have been made and granted, and,
 13 for the purpose of awarding a speedy hearing of such appeal, it shall be the duty
 14 of the court to immediately suspend all other business in which it may be then
 15 engaged, and hear and determine such appeal. When, at the time of such ap-
 16 plication there are not a majority of the judges of the court appealed to, or of
 17 a branch thereof, if such court appealed to consists of two or more branches,
 18 present at the place of holding such court, it shall be the duty of such judges, or
 19 of a majority thereof, to convene at such place for the hearing of such appeal as
 20 soon as may be practicable. All requirements respecting the printing of the
 21 record and the printing of briefs and arguments in every such case shall, at the
 22 demand of the party appealing, be dispensed with. Upon such appeal the court
 23 appealed to may, in its discretion, permit either party to introduce such ad-
 24 ditional evidence as the court may deem necessary for the attainment of right
 25 and justice between the parties.

Sec. 1807. JUDGMENT OF COURT APPEALED TO—WHEN NOT BINDING.] No judg-
 2 ment of a court appealed to affirming or reversing an interlocutory order, judg-

ment or decree shall be binding upon said court upon a review, upon appeal or writ of error, of any final order, judgment or decree subsequently rendered in such action.

Sec. 1808. COURT MAY EXPEDITE PROCEEDINGS ON INTERLOCUTORY APPEAL.] The court appealed to, whenever it deems such course necessary, may expedite the proceedings upon any interlocutory appeal to such an extent as the court may deem proper, and it shall be its duty to expedite the proceedings in all cases in which public interests are involved and a speedy decision is desirable and in any such case it may require an immediate presentation of the case by oral argument or otherwise.

Sec. 1809. TO WHAT COURTS INTERLOCUTORY APPEALS TO BE TAKEN.] All appeals from interlocutory orders, judgments and decrees in actions in which the State is interested as a party or otherwise and actions involving the validity of a statute of this State or of the United States, or the construction of the constitution of this State or of the United States, shall be taken to the supreme court, and in all other cases to the appellate courts: *Provided, however,* that the court from which the interlocutory appeal is to be prosecuted may, in its discretion, by special order, allow any such appeal to be taken to the supreme court, although but for such order such appeal could only be taken to an appellate court.

Sec. 1810. APPEAL FROM APPELLATE COURT TO SUPREME COURT WHEN DISCRETIONARY WITH SUPREME COURT—HOW PROSECUTED.] An appeal to the supreme court from a final order, judgment or decree of an appellate court when the allowance of such appeal is discretionary with the supreme court, may be prosecuted in the manner following:

First—NOTICE TO BE FILED IN APPELLATE COURT.] Within twenty days after the entry of the order, judgment or decree proposed to be appealed from the party proposing to appeal shall file with the clerk of the appellate court a notice

9 of his intention to prosecute such appeal, which notice may be in substantially
10 the following form:

11 IN THE APPELLATE COURT OF THE FIRST DISTRICT OF ILLINOIS.

12 John Doe	}	No. 155.
13 v.		Appeal from Circuit Court of Cook County,
13 Richard Roe.		Hon. John Jones, Judge presiding, prosecuted by defendant, Richard Roe.

13 NOTICE OF INTENTION TO PROSECUTE APPEAL TO SUPREME COURT.

14 Notice is hereby given that the undersigned defendant, Richard Roe, in
15 tends to prosecute an appeal herein to the supreme court.

16 Dated March 31, 1908.

17	RICHARD ROE,
18	By JOHN SMITH,
19	<i>His Attorney.</i>

20 *Second*—FILING OF AUTHENTICATED RECORD, BRIEFS AND MOTION FOR APPEAL.

21 Within thirty days after the entry of the order, judgment or decree of the ap
22 pellate court proposed to be appealed from the party proposing to appeal shall
23 cause to be filed with the clerk of the supreme court a motion for the allowance
24 of such appeal and the authenticated record of the order, judgment or decree
25 proposed to be appealed from, together with twelve copies of the printed record
26 and twelve copies of the printed brief and argument of such party in support
27 of the application for such appeal: *Provided, however,* that the time for the
28 filing of the authenticated record, printed record and printed briefs and argu-
29 ments may be extended either by the appellate court or the supreme court or
30 by any judge of either of said courts, or by agreement of the parties to the ac
31 tion. The following form of motion for an appeal provided for by this section
32 shall be deemed sufficient and shall be taken as furnishing suggestions from
33 which other motions for appeals may be properly framed:

IN THE SUPREME COURT OF ILLINOIS.

34
 35 John Doe
 v.
 36 Richard Roe. } No. 175.
 } Appeal from Appellate Court of First
 } District, prosecuted by plaintiff.

MOTION FOR APPEAL.

38 This day the plaintiff moves the court for the allowance of an appeal here-
 39 in from the appellate court of the first district.

40
 41
 WILLIAM SMITH,
 Plaintiff's Attorney.

42 *Third--PAYMENT OF FEES.]* The party making the application for the ap-
 43 peal shall also, at the time of applying for such appeal, pay to the clerk of the
 44 supreme court the sum of twenty-five dollars (\$25) as his fees in such appeal.
 45 For the purpose of such appeal the clerk of the appellate court, upon the pay-
 46 ment by the party applying for the appeal of the sum of five dollars (\$5) as the
 47 fees of such clerk, shall prepare and transmit to the clerk of the supreme court
 48 the authenticated record aforesaid.

Fourth--ALLOWANCE OR DISALLOWANCE OF APPEAL AND FURTHER PROCEEDINGS.]

49
 50 Upon the filing of such motion, authenticated record and copies of printed
 51 record and briefs and arguments in the office of the clerk of the supreme court,
 52 the clerk shall notify the court thereof and the court shall thereupon allow or
 53 disallow the appeal as justice may seem to require. In case of the allowance
 54 of the appeal the same shall be heard and determined in the same manner, as
 55 near as may be, as in other cases of appeal.

Sec. 1811. STAY OF PROCEEDINGS UPON APPEAL FROM APPELLATE COURT TO SU-

2 PREME COURT.] The allowance by the supreme court of an appeal from an
 3 order, judgment or decree of an appellate court affirming an order, judgment
 4 or decree of a court of original jurisdiction, or reversing an order, judgment
 5 or decree of a court of original jurisdiction and remanding the action to the
 6 court of original jurisdiction for a new trial or hearing, shall operate as a stay
 7 of proceedings under such order, judgment or decree of the appellate court un-
 8 til the final determination of such appeal in the supreme court. The allowance

9 by the supreme court of an appeal from an order, judgment or decree of an
 10 appellate court reversing, in whole or in part, or modifying, an order, judg-
 11 ment or decree of a court of original jurisdiction and entering a final order,
 12 judgment or decree in lieu thereof shall not operate as a stay of proceedings
 13 under such order, judgment or decree of the appellate court unless the supreme
 14 court shall so order and such order may be made by the supreme court, in its
 15 discretion, either with or without the giving of security by the party appeal-
 16 ing.

Sec. 1812. APPEAL OR WRIT OF ERROR TO WRONG COURT—PROCEDURE.] No ap-
 2 peal from any order, judgment or decree, whether interlocutory or final, or any
 3 writ of error, shall be dismissed because such appeal appears to have been taken
 4 to, or such writ of error prosecuted from, the wrong court, but, in any such case,
 5 it shall be the duty of the court to which the appeal has been taken, or from
 6 which the writ of error has been sued out, to enter an order transferring the
 7 appeal or writ of error to the proper court. When such order is entered the
 8 clerk of such court shall forthwith transmit a certified copy thereof, together
 9 with the authenticated record of the court below, to the clerk of the court to
 10 which the appeal or writ of error is ordered transferred and such court shall
 11 thereupon proceed to hear and determine such appeal or writ of error as if such
 12 appeal had been prosecuted to or such writ of error prosecuted from said court
 13 in the first instance, and all bonds executed, deposits made or orders entered in
 14 respect to any such appeal or writ of error prior to such transfer shall be as
 15 valid, binding and effectual as if said appeal had been taken to or such writ
 16 of error prosecuted from the right court. Whenever any appeal shall be taken
 17 to the wrong court as aforesaid the court to which the same has been wrong-
 18 fully taken shall, upon the dismissal of the appeal, award against the party
 19 appealing and in favor of the opposite party a sum not less than twenty-five
 20 dollars (\$25) nor more than one hundred dollars (\$100) as costs of the appeal
 21 and may enforce the payment thereof by execution or attachment: *Provided,*
 22 *however,* that no such costs shall be awarded in any case when it shall appear

23 to the satisfaction of the court appealed to that such appeal was taken to such
 24 court in good faith and because of an honest mistake of the party appealing,
 25 or of his attorney, with respect to the jurisdiction of the court appealed to.

Sec. 1813. PROCEDURE WHEN APPELLATE COURT IMPROPERLY DISMISSES APPEAL
 2 OR WRIT OF ERROR OR ORDERS TRANSFER TO SUPREME COURT.] Whenever any appeal
 3 prosecuted to or writ of error prosecuted from any appellate court shall be
 4 transferred to the supreme court in conformity with the provisions of the pre-
 5 ceding section, or an appeal shall be prosecuted to the supreme court to review
 6 an order of an appellate court dismissing an appeal or writ of error,
 7 and it shall appear to the supreme court upon consideration of such
 8 appeal or writ of error that such order transferring the same to the
 9 supreme court, or such order dismissing the appeal or writ of error, was
 10 erroneous, the supreme court shall not on that account order such appeal or writ
 11 of error to be retransferred or the action remanded to the appellate court, but
 12 shall, notwithstanding the error of the appellate court in so transferring the
 13 same, or in so dismissing the appeal or writ of error, proceed to determine
 14 such appeal or writ of error upon its merits in the same manner and with the
 15 same effect as if such appeal had been rightfully taken to or such writ of error
 16 rightfully prosecuted from the supreme court in the first instance.

Sec. 1814. PROCEDURE WHEN APPELLATE COURT IMPROPERLY ASSUMES JURISDIC-
 2 TION.] Whenever any appeal is improperly taken to or writ of error is
 3 improperly prosecuted from an appellate court, and such appellate court errone-
 4 ously determines the same upon the merits, then, in case of an appeal to
 5 the supreme court to review such determination of the appellate court,
 6 the supreme court shall decide the action upon its merits as if such
 7 appeal had been taken to or such writ of error prosecuted from the supreme
 8 court in the first instance, and all bonds executed, deposits made or orders en-
 9 tered in respect to any such appeal or writ of error prior to the filing of the
 10 authenticated record shall be as valid, binding and effectual as if such appeal

11 had been taken to or such writ of error prosecuted from the supreme court in
 12 the first instance.

Sec. 1815. PLEA OF RELEASE OF ERRORS ABOLISHED—PROCEDURE.] The plea
 2 heretofore known as the plea of release of errors is hereby abolished and in lieu
 3 of such plea and of the proceedings thereunder the following method of pro-
 4 cedure shall be adopted: Whenever, after the rendition or entry of any order,
 5 judgment or decree to reverse which an appeal or writ of error is prosecuted,
 6 facts shall arise which, in the opinion of any party to such appeal or writ of
 7 error, operate as a release of all or any portion of the errors which may be
 8 pointed out in such order, judgment or decree, such party may present such
 9 facts to the court to which such appeal or from which such writ of error is
 10 prosecuted by affidavit. If such facts are, in the opinion of the court, sufficient
 11 in law to operate as a release of errors and the same are not disputed by the
 12 party prosecuting the appeal or writ of error, or if, upon such facts being dis-
 13 puted, the issues thereon are found against the party prosecuting the appeal or
 14 writ of error the court shall make such order in the premises as may be neces-
 15 sary to give effect to such release of errors, but if such facts are not, in the
 16 opinion of the court, sufficient in law to operate as a release of errors, or the same
 17 are disputed by the party prosecuting the appeal or writ of error and the issues
 18 thereon are found in favor of the party prosecuting the appeal or writ of error,
 19 the court shall proceed to consider the order, judgment or decree sought to be re-
 20 versed and shall affirm, modify or reverse the same as justice may require. When-
 21 ever the facts relied upon as a release of errors are disputed, the court shall en-
 22 ter an order requiring the master in chancery, or one of the masters in chancery
 23 of the county in which the order, judgment or decree sought to be reversed was
 24 rendered, or such other person as may be agreed upon by the parties, to take
 25 the evidence upon the issues of fact and report the same to said supreme court or
 26 appellate court, and, upon such evidence being taken and reported as aforesaid,
 27 the supreme court or appellate court, as the case may be, shall take such proceed-
 28 ings in respect thereto as justice may require.

Sec. 1816. MANNER OF MAKING UP AUTHENTICATED RECORDS—FORM OF CERTIFI-

2 CATE.] Upon the perfecting of any appeal from or the suing out of any writ of
3 error to a court of original jurisdiction, and, in the case of a writ of error, the
4 filing of the same with the clerk of such court of original jurisdiction, the clerk
5 of such court shall prepare or cause to be prepared the authenticated record which
6 shall consist of the following:

7 *First*—STATEMENT.] A statement setting forth that the papers composing
8 the authenticated record are the record of the proceedings of the inferior court in
9 the action. Such statement may be in substantially the following form:

10 RECORD OF THE PROCEEDINGS OF THE CIRCUIT COURT OF
11 COOK COUNTY, ILLINOIS.

12 John Doe }
13 v. }
14 Richard Roe. } Contract. No. 25.

15 APPEAL BY DEFENDANT. .

16 *Second*—ENTRIES IN REGISTER AND MINUTE BOOK.] A copy of all the entries
17 upon the register and minute book pertaining to the action, including the names
18 of the parties thereto and the classification and number thereof, and the entries as
19 to papers filed, writs issued and orders entered.

20 *Third*—ORIGINAL FILES.] The originals of all papers filed in the action which,
21 by the provisions of this act, constitute a part of the record of the action.

22 *Fourth*—ORIGINAL DRAFTS OF ORDERS, ETC.] The originals of all drafts of or-
23 ders, judgments or decrees, whether interlocutory or otherwise, signed by any
24 judge.

25 *Fifth*—ORDERS ENTERED OF RECORD.] Copies of all orders, judgments and de-
26 crees which have been spread at large upon the record, but the original drafts of
27 which duly signed are not on file with the other papers constituting the record:

28 *Provided, however,* that when such orders, judgments and decrees exceed five in

29 number copies of only such number thereof shall be inserted in the authenti-
 30 cated record as may be required by the party prosecuting the appeal or writ of
 31 error.

32 *Sixth*—CERTIFICATE OF CLERK.] A certificate of the clerk that such papers are
 33 the originals or copies as aforesaid, which certificate shall also recite that an ap-
 34 peal has been perfected or a writ of error filed, giving the date of such perfecting
 35 or filing. The following form of certificate shall be deemed sufficient and shall be
 36 taken as furnishing suggestions from which other certificates may be properly
 37 framed:

38 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

39 John Doe
 40 v. Richard Roe. } Contract. No. 25.

41 I, John Smith, clerk of the circuit court of Cook county, Illinois, do hereby
 42 certify that the annexed papers, are, *first*, a copy of all entries upon the register
 43 and minute book; *second*, the originals of all papers filed and constituting a
 44 part of the record; *third*, the originals of all drafts of orders, judgments and
 45 decrees, signed by any judge; and, *fourth*, copies of all orders, judgments and de-
 46 crees which have been spread at large upon the record, but the original drafts
 47 of which duly signed are not on file with the other papers constituting the record,
 48 in the above entitled action, and that an appeal in said action to the supreme court
 49 was duly perfected by the defendant on the 10th day of February, 1908.

50 Witness my hand and the seal of said court this 24th day of February, 1908.

51 JOHN SMITH, *Clerk*.

52 NOTE 1.

53 When the authenticated record does not contain all of the orders, judgments
 54 and decrees spread at large upon the record in the action the above certificate
 55 may be varied from by inserting after the words "record in the above entitled
 56 actions," the words "other than those which I have been directed to omit
 57 herefrom."

NOTE 2.

58

59 When the authenticated record is prepared in pursuance of a writ or error,
 60 the above certificate may be varied from by inserting in lieu of the words “and
 61 that an appeal in said action to the supreme court was duly perfected by the
 62 defendant on the 10th day of February, 1908,” the words “and that a writ of
 63 error in said action was duly filed by the defendant on the 10th day of February,
 64 1908.”

Sec. 1817. APPEALS TO OR WRITS OF ERROR FROM THE SAME COURT OR DIFFERENT
 2 COURTS AT THE SAME TIME, ETC.]. In case of the pendency of appeals to or writs
 3 of errors from the same court or different courts at the same time for the re-
 4 view of orders, judgments or decrees in the same action, or when, for any other
 5 reason, it shall be impracticable for the clerk of the court from which the appeal
 6 or to which the writ of error is prosecuted to use the original papers, or some
 7 one or more of them, forming a part of the record, in the preparation of the
 8 authenticated record, the party prosecuting any such appeal or writ of error,
 9 in lieu of obtaining an authenticated record containing the original papers filed
 10 and constituting a part of the record of the action, may furnish the clerk with
 11 sworn copies thereof and the clerk shall thereupon prepare an authenticated rec-
 12 ord containing said sworn copies in lieu of said originals and said record thus
 13 made up and authenticated shall have the same force and effect as if the same
 14 contained said original papers .

Sec. 1818. AUTHENTICATED RECORD WHEN APPEAL OR WRIT AFFECTS PORTION OF
 2 MATTERS IN LITIGATION.] When an appeal or writ of error only concerns a por-
 3 tion of the matters in litigation in the action and the entire record of the action
 4 is not necessary for the proper determination of such appeal or writ of error by
 5 the supreme court or appellate court, as the case may be, the authenticated
 6 record shall consist of such of the papers filed and record entries made as the
 7 party prosecuting the appeal or writ of error may indicate by praecipe, and

2 CATE.] For the purposes of a review by the supreme court, by appeal, of an
3 order, judgment or decree of an appellate court, an authenticated record shall
4 consist of the following:

8 RECORD OF THE PROCEEDINGS
9 OF THE
10 APPELLATE COURT OF THE FIRST DISTRICT OF ILLINOIS.

APPEAL BY DEFENDANT.

Second—INFERIOR COURT RECORD.] The authenticated record of the inferior court.

Third—ENTRIES IN REGISTER AND MINUTE BOOK.] A copy of all the entries in the register and minute book of the appellate court pertaining to the act, including the title, classification and number thereof and the entries as to papers filed, writs issued and orders entered.

21 *Fourth*—OPINION.] The opinion, if any, of the appellate court.

22 *Fifth*—ORDERS ENTERED OF RECORD.] Copies of all orders, judgments and
23 decrees which have been spread at large upon the record.

24 *Sixth*—REPORT OF PROCEEDING.] The report, if any, of the proceedings of
25 the appellate court settled and signed as provided by this act.

26 *Seventh*—CERTIFICATE.] A certificate of the clerk that such papers are the
27 originals or copies as aforesaid, which certificate shall also recite that a notice
28 of intention to prosecute an appeal to the supreme court has been filed, giving the
29 date of such filing. The following form of certificate shall be deemed sufficient
30 and shall be taken as furnishing suggestions from which other certificates may
31 be properly framed:

32 IN THE APPELLATE COURT OF THE FIRST DISTRICT OF ILLINOIS.

33	John Doe	}	No. 115
34	Richard Roe.		Appeal from Circuit Court of Cook
	v.		County, Hon. John Jones, Judge Presid-
			ing, prosecuted by Plaintiff.

35 I, William Smith, clerk of the appellate court of the first district of Illinois,
36 do hereby certify that the annexed papers are *first*, a copy of all entries upon
37 the register and minute book of the appellate court; *second*, the authenticated
38 record of the circuit court of Cook county; *third*, the opinion of the appellate
39 court, and *fourth*, copies of all orders, judgments and decrees which have been
40 spread at large upon the record in the above entitled action; and that a notice
41 of an intention to prosecute an appeal to the supreme court was duly filed by
42 the defendant on the 20th day of February, 1908.

43 Witness my hand and the seal of said court this 24th day of February,
44 1908.

45 WILLIAM SMITH, *Clerk*.

46 NOTE.

47 If there be a report of the proceedings of the appellate court settled and
48 signed as provided by this act, the certificate shall specify the same as consti-
49 tuting a part of the authenticated record.

Sec. 1820. PLACITA ABOLISHED—PRESUMPTION OF REGULARITY.] It shall be unnecessary to prefix or attach to any authenticated record the form of placita heretofore in use, but without such placita it shall be presumed that the court in which any order, judgment or decree so certified has been rendered, was properly organized and constituted, that it was held at the proper time and in the proper place and that its proceedings were in all respects regular and legal, unless the contrary shall affirmatively appear from the record.

Sec. 1821. AUTHENTICATED RECORD TO BE TRANSMITTED TO CLERK OF COURT APPEALED TO.] The record so prepared, when the clerk's fees hereinbefore provided for shall have been paid, shall be transmitted by the clerk to the clerk of the court appealed to within the time required by this Act. Before transmitting the same as aforesaid the clerk shall, if so requested by the party appealing, cause a typewritten copy thereof, or of so much thereof as may be required, to be made and delivered to such party upon payment therefor at the rate of three (3) cents for each one hundred (100) words thereof.

Sec. 1822. AUTHENTICATED RECORD TO BE REMITTED FROM APPELLATE COURT OR SUPREME COURT.] When any appeal or writ of error shall have been finally disposed of by the court to which such appeal or from which such writ of error has been prosecuted, or when, upon a further appeal from the appellate court, such appeal shall have been finally determined in the supreme court, the clerk of the supreme court or the appellate court, as the case may be, shall attach to the authenticated record a certified copy of the final order, judgment or decree of the supreme court or appellate court, as the case may be, and return the same to the court of original jurisdiction: *Provided, however,* that when, after the return of any such record the same, or a copy thereof, shall be needed for the purposes of a further appeal or writ of error, or for any other purpose, by the clerk of the supreme court or appellate court, the clerk of the supreme court

13 or appellate court, as the case may be, shall be entitled to the same for such
 14 purpose and the same shall be transmitted or delivered to him by the clerk of
 15 the court to which the same shall have been so returned, and after such pur-
 16 pose shall have been accomplished the same shall be returned to the clerk of the
 17 court to which it belongs.

Sec. 1823. ASSIGNMENTS OF ERROR ABOLISHED.] Assignments of errors are
 2 hereby abolished. In lieu of assigning errors upon the record the party prose-
 3 cuting an appeal or writ of error shall point out in his brief or argument in the
 4 supreme court or appellate court, as the case may be, the errors of which he
 5 complains and the reviewing court, without further specific assignment by
 6 such party, shall consider all substantial errors appearing in the record. The
 7 opposite party shall likewise, without any assignment upon the record of cross-
 8 errors, point out in his brief or argument errors of which he complains and the
 9 reviewing court shall, without further specific assignment by him, consider all
 10 the errors so pointed out, and no errors not pointed out by the parties or
 11 noticed by the court, of its own motion, shall thereafter be complained of in
 12 such action by any party thereto, upon any subsequent appeal or writ of error
 13 or otherwise, unless such party, at the time of the prosecution of such prior ap-
 14 peal or writ of error, be an infant or person non compos mentis, and not then
 15 if such prior appeal or writ of error shall have been prosecuted on behalf of
 16 such infant or person non compos mentis. In criminal actions and in actions
 17 in which infants or persons non compotes mentis are parties it shall be the
 18 duty of the reviewing court to consider all substantial errors appearing in the
 19 record and to grant relief therefrom to the parties thereto, so far as may
 20 be consistent with the provisions of this Act, whether the same shall have been
 21 pointed out or not.

Sec. 1821. ALL ORDERS TO BE SUBJECT TO REVIEW AT INSTANCE OF EITHER
 2 PARTY.] In every case of an appeal as well as in every case of a writ of error

the party prosecuting such appeal or writ of error, or any other party to the record shall be entitled to obtain a review of every final order, judgment or decree contained in the authenticated record.

Sec. 1825. PRINTING THE RECORD UPON APPEAL FROM OR WRIT OF ERROR TO COURT OF ORIGINAL JURISDICTION.] Within five days after the expiration of the time within which the party prosecuting an appeal from or writ of error to a court of original jurisdiction is required to file or cause to be filed in the supreme court, or appellate court, as the case may be, the authenticated record of the order, judgment or decree sought to be reversed, he shall also print or cause to be printed and shall file with the clerk of the supreme court, or appellate court, as the case may be, seventeen copies of the following, which shall be known and hereinafter designated as the printed record:

First—TITLE OF ACTION AND MEMORANDA.] The title of the action, specifying the names of the parties, including a memorandum showing the court from which the appeal or to which the writ of error is prosecuted, the name of the presiding judge thereof by whom the order, judgment or decree sought to be reviewed was entered, a memorandum or notation indicating the person or persons prosecuting such appeal or writ of error, together with such further memoranda as may be required by the rules which may be adopted by the supreme court or the appellate court, as the case may be.

Second—STATEMENT OF CASE.] A statement of the case, which shall consist of a specification of the date of the commencement of the action; a brief and concise narrative of the plaintiff's case as set forth in the papers filed by him; the defense or defenses, if any, set up by the defendant in his specification of defense or defenses or other papers, and such other statement as may be deemed necessary respecting the issues between the parties made by the papers filed by them respectively; the nature of the trial, whether by jury or by the court without a jury, upon evidence heard in open court, or upon a master's report, and the result thereof; and the order, judgment or decree entered thereon to

reverse which the appeal or writ of error is prosecuted, or the party may, if he so elect, print such papers, or any portion of them in full. Such statement shall not contain any reference to matters of evidence, but shall be confined strictly to a statement of the contents of the papers above referred to.

Third—REPORT OF PROCEEDINGS.] The report or reports, if any, of the proceedings settled and signed by the judge by whom the order, judgment or decree sought to be reversed was entered, or the report, if any, including the evidence accompanying the same, of the master in chancery, or both, as the case may be, such report or reports to be printed in full, excepting such parts thereof as the parties to the appeal or writ of error may stipulate, or the judge by whom the order, judgment or decree sought to be reversed has been entered may order, shall be omitted or condensed, and excepting also that neither party shall be required to print any portion of the proceedings pertaining to the empanelling of any jury, or the arguments of counsel, or the opinions of the court, unless the same be necessary to an understanding of the questions presented to the appellate court or supreme court for decision. The court to which the appeal or from which the writ of error is prosecuted may, also, on account of the financial condition of the parties or for other good cause, direct that such printing, in whole, or in part, may be dispensed with.

Fourth—INDEX.] A complete index of the authenticated record specifying the page or pages upon which each paper therein is to be found, and the page of the commencement of the examination, cross-examination, re-examination, or other examination, of each witness, and such other information as may be required by the supreme court or appellate court, as the case may be.

Sec. 1826. PRINTING RECORD ON APPEAL FROM APPELLATE COURT.] Within five days after the expiration of the time within which the party prosecuting an appeal from an appellate court is required to file or cause to be filed in the supreme court the authenticated record of the order, judgment or decree sought to be reversed, he shall also print or cause to be printed and

6 shall file with the clerk of the supreme court fifteen copies of the fol-
 7 lowing, which shall be known and hereinafter designated as the printed appel-
 8 late court record:

9 *First*—TITLE OF ACTION AND MEMORANDA.] The title of the action, specify-
 10 ing the names of the parties, including a memorandum showing the court from
 11 which the appeal is prosecuted, a memorandum or notation indicating the per-
 12 son or persons prosecuting such appeal together with such further memoranda
 13 as may be required by the rules which may be adopted by the supreme
 14 court.

15 *Second*—STATEMENT OF CASE.] A statement of the case which shall consist
 16 of a specification of the date of the commencement of the action; a brief and
 17 concise narrative of the plaintiff's claim as set forth in the papers filed by him;
 18 the defense or defenses, if any, set up by the defendant in his specification of
 19 defense or defenses or other papers, and such other statement as may be
 20 deemed necessary respecting the issues between the parties made by the papers
 21 filed by them respectively; the nature of the trial in the court of original juris-
 22 diction, whether by jury, or by the court without a jury, upon evidence heard
 23 in open court, or upon a master's report, or otherwise, and the result thereof;
 24 the order, judgment or decree entered thereon to reverse which the appeal to or
 25 writ of error from the appellate court was prosecuted; the judgment, order or
 26 decree entered by the appellate court to reverse which the appeal to the su-
 27 preme court is prosecuted; or the party may, if he so elect, print such
 28 papers or any portion of them in full. Such statement shall not contain any
 29 reference to matters of evidence, but shall be confined strictly to a statement of
 30 the contents of the papers above referred to.

31 *Third*—OPINION.] The opinion, if any, filed by the appellate court.

Sec. 1827. CLERK OF APPELLATE COURT TO TRANSMIT TO SUPREME COURT PRINTED
 2 RECORDS WITH AUTHENTICATED RECORD.] At the time of transmitting to the clerk
 3 of the supreme court the authenticated record of the appellate court in case of an

4 appeal from the appellate court, the clerk of the appellate court shall transmit
 5 to the clerk of the supreme court twelve of the printed records of the court of
 6 original jurisdiction hereinbefore provided for.

Sec. 1828. PRINTED BRIEFS AND ARGUMENTS OF PLAINTIFF IN ERROR OR APPEL-
 2 LANT.] The party prosecuting any appeal or writ of error shall also, within
 3 five days after the expiration of the time provided in this Act for the filing of
 4 the authenticated record, file with the clerk of the appellate court six copies, or
 5 with the clerk of the supreme court twelve copies, as the case may be, of a
 6 printed brief or argument stating, as briefly and concisely as may be, the
 7 errors which he claims to have been committed in the proceedings, and pre-
 8 senting such arguments and citations of authorities as he may deem necessary
 9 or proper, and shall also within said five days deliver three or more copies
 10 thereof, together with three or more copies of the printed record hereinbefore
 11 provided for, to the opposite party, or, where there are several persons com-
 12 posing the opposite party, he shall deliver three or more copies of such brief or
 13 argument, together with three or more copies of such printed record, to each
 14 of said persons, or their attorneys, who have entered a separate appearance.

Sec. 1829. PRINTED BRIEFS AND ARGUMENTS OF DEFENDANT IN ERROR OR AP-
 2 PELLE.] Within fifteen days after the filing of such printed brief or argu-
 3 ment, the opposite party shall file with said clerk the same number of copies
 4 of his printed answer thereto, together with a specification of any errors of
 5 which he complains and such suggestions with reference thereto as he may
 6 deem pertinent, and within the same time shall deliver three or more copies
 7 thereof to the opposite party, or where there are several persons composing the
 8 opposite party he shall deliver three or more copies of such brief or argument to
 9 each of said persons, or their attorneys, who have entered a separate appearance,
 10 and within ten days after the expiration of said ten days the party prosecut-
 11 ing such appeal or writ of error shall file with said clerk the same number of

12 copies of his printed reply, and deliver three or more copies thereof to the
 13 person, or to each of the persons, to whom he is required to deliver his open-
 14 ing brief or argument, and thereupon the appeal or writ of error shall stand
 15 for final decision and determination by the supreme court or appellate court, as
 16 the case may be, unless, in pursuance of such rules as the supreme court or
 17 the appellate court may adopt with respect thereto, the same be argued orally
 18 by the respective parties.

Sec. 1830. PRINTED BRIEFS AND ARGUMENTS FILED IN APPELLATE COURT MAY BE
 2 USED IN SUPREME COURT.] Upon the prosecution of an appeal from an appellate
 3 court, either party shall be at liberty to file in the supreme court fifteen copies
 4 of the printed briefs and arguments filed by such party in the appellate court,
 5 together with fifteen copies of an additional brief or argument, or to file fifteen
 6 copies of an entirely new printed brief or argument.

Sec. 1831. IMPERFECT ARGUMENT IN APPELLATE COURT NOT TO PREJUDICE IN
 2 SUPREME COURT.] Neither party to an action shall be prejudiced in the supreme
 3 court by the failure of such party to properly argue his case in the appellate
 4 court, but the decision of the supreme court shall be in accordance with the
 5 right and justice of the case, regardless of the manner in which the same may
 6 have been presented to the appellate court, or to the supreme court.

Sec. 1832. PRINTED MATTER USED IN INFERIOR COURT TO BE AVAILABLE IN
 2 APPELLATE COURT OR SUPREME COURT.] Whenever, for the purpose of a trial or
 3 hearing in a court of original jurisdiction, the parties to the action, or either of
 4 them, shall have caused to be printed any portion of the record of the action,
 5 or a proper abstract thereof, the printed copies thus printed for use in the
 6 court of original jurisdiction may be used by either party in the appellate
 7 court or supreme court, in case of the prosecution of an appeal or writ of
 8 error, in place of the printed record hereinbefore provided for or of so much
 9 thereof as may be contained in such printed copies.

Sec. 1833. WHEN ACTUAL SESSIONS OF SUPREME AND APPELLATE COURTS NECES-

2 SARY.] Actual sessions of the appellate courts or of the supreme court need
 3 only be held when the same are necessary for the hearing of oral arguments
 4 in actions pending in the court and need not be held for the entering or dispo-
 5 sition of interlocutory motions other than those upon which the court may hear
 6 oral arguments. All such motions shall be in writing and the suggestions and
 7 papers in support of or in opposition thereto shall likewise be in writing, un-
 8 less the court in its discretion shall allow an oral argument thereof, and shall
 9 be filed with the clerk who shall deliver the same to the chief justice or pre-
 10 siding judge. The decisions of the court upon motions, other than such as the
 11 court may deem proper to announce during actual sessions of the court, shall
 12 be reported by the court to the clerk and proper minutes thereof entered by
 13 him in the register and minute book and announced to the parties.

Sec. 1834. NOTICE TO TERRE-TENANTS, ETC.] In every case wherein a guard-

2 ian, executor or administrator or other person acting in a fiduciary character
 3 has obtained an order or decree for the sale of lands in a cause ex parte and
 4 a sale has been had under such decree or order and the same shall be brought to
 5 the appellate court or supreme court for review by writ of error, the pur-
 6 chaser or person in possession of such lands, if known, shall be suggested to
 7 the court by affidavit of the party prosecuting the writ of error or his agent
 8 or attorney and shall be specified in the præcipe for such writ of error, and
 9 thereupon such purchaser or person in possession shall be summoned in the
 10 same manner required by this Act with respect to a party to the action, or
 11 upon the affidavit of the party prosecuting such writ of error, his agent or
 12 attorney, being filed showing that such purchaser or person in possession is
 13 not a resident of this State, stating his place of residence, if the same be known.
 14 or, if the same be not known, that the party making the affidavit has not upon
 15 due inquiry been able to ascertain the same, or, if it appears by the affidavit of
 16 the party prosecuting the writ of error, his agent or attorney, that there are

17 persons interested in the action whose names are unknown, notice may be
18 given by publication as in other cases.

Sec. 1835. NOTICE TO THIRD PERSONS OF PENDENCY OF ACTION OF PUBLIC IM-
2 PORTANCE IN SUPREME COURT.] Whenever there is pending in the supreme court
3 any action involving the validity of a statute, a constitutional amendment or a
4 municipal ordinance, or any other question the decision of which by the court
5 may, in the opinion of the court, seriously affect the rights of persons not
6 parties to the action, the court may, before the final determination thereof, re-
7 quire such notice to be given of the pendency of the action, and may afford such
8 opportunity for persons to be heard who are not parties to the action as the
9 court may deem just and right.

Sec. 1836. INSPECTION OF ORIGINAL PAPERS.] Whenever, in the opinion of
2 the presiding judge of any court of original jurisdiction, an inspection of an
3 original paper in an action on appeal or writ of error shall be important to a
4 correct decision of the action, such judge may make such order for the trans-
5 mission, safe keeping and return of such original papers, as to him may seem
6 proper, and the clerk of the appellate court or supreme court, as the case may
7 be, shall receive such original paper together with the authenticated record
8 and hold the same subject to such order.

Sec. 1837. DAMAGES ON DISMISSAL OF APPEALS.] When appeals from orders,
2 judgments or decrees for the recovery of money are dismissed by the supreme
3 court or the appellate court for want of prosecution, or for failing to file
4 authenticated records as required by this Act, the court shall award damages
5 against the party appealing at the rate of ten (10) per cent upon the amount re-
6 covered in the court below, if it do not exceed one hundred dollars (\$100) and,
7 if it exceed one hundred dollars (\$100), then ten (10) per cent upon the first
8 one hundred dollars (\$100) and five (5) per cent upon the excess over one hun-
9 dred dollars (\$100).

Sec. 1838. PENALTY FOR FRIVOLOUS OR VEXATIOUS APPEAL OR WRIT OF ERROR.]

2 Whenever it shall appear to the satisfaction of the supreme court or appellate
 3 court, as the case may be, that any appeal or writ of error in a civil or quasi
 4 criminal action has been prosecuted frivolously or vexatiously, the court may,
 5 in its discretion, upon the dismissal of the appeal or writ of error, or the affirm-
 6 ance of the order, judgment or decree to reverse which the appeal or writ of
 7 error has been prosecuted, award damages against the party appealing or pros-
 8 ecuting the writ of error at the rate provided for in the preceding section, if
 9 such order, judgment or decree be one for the payment of money, or, in case
 10 such order, judgment or decree is not one for the payment of money, such
 11 award of damages may be in such an amount as the supreme court or appellate
 12 court, as the case may be, shall deem just and right. Whenever it shall appear
 13 to the satisfaction of the supreme court that a writ of error in a criminal ac-
 14 tion, other than one in which the punishment may be death or confinement in
 15 the penitentiary, has been prosecuted frivolously and for the purpose of delay,
 16 the court, upon the dismissal of the writ of error or the affirmance of the order
 17 or judgment to reverse which the writ of error has been prosecuted, may, in its
 18 discretion, award against the party prosecuting the writ of error damages to
 19 such an amount, not exceeding in any case one hundred dollars (\$100), as the
 20 court may deem just and right, the payment of such damages to be enforced in
 21 the manner provided by law for the enforcement of the payment of fines and
 22 costs in criminal cases. Whenever damages are awarded as provided in this
 23 section, the supreme court or appellate court shall certify the same to the court
 24 of original jurisdiction from which the appeal or to which the writ of error has
 25 been prosecuted and such court shall enter judgment therefor and enforce the
 26 payment thereof in the manner provided by law for the enforcement of judg-
 27 ments of such court.

Sec. 1839. NO FINAL ORDER TO ISSUE UNTIL THIRTY DAYS EXCEPT, ETC.] No

2 order of affirmance, reversal, dismissal, or reversal and remandment, of any

3 final order, judgment or decree, in any action decided by the supreme court
 4 or appellate court upon appeal or writ of error, shall be transmitted to the
 5 court of original jurisdiction until the expiration of thirty days after the date
 6 of the final order, judgment or decree entered by the supreme court or ap-
 7 pellate court therein, unless the court shall expressly otherwise order.

Sec. 1840. ORDER OF DISPOSITION OF BUSINESS.] In the disposition of busi-
 2 ness before the supreme court and appellate courts actions in which the people
 3 are a party and in which they have a direct interest in the decision, actions of
 4 habeas corpus, actions in which injunction orders have been granted, actions
 5 in which receivers have been appointed, actions of mandamus, actions of quo
 6 warranto and criminal actions shall, so far as may be practicable, take pre-
 7 cedence in the foregoing order over all other actions excepting appeals from
 8 interlocutory orders, judgments and decrees. Actions other than those thus enu-
 9 merated shall be disposed of by the court, so far as may be practicable, in
 10 the order in which the parties have completed the filing of their printed briefs
 11 and arguments, excepting cases in which oral arguments are made, which cases
 12 shall, so far as may be practicable, be disposed of in the order in which they
 13 are argued.

Sec. 1841. REHEARINGS—HOW APPLIED FOR.] Every party to an action de-
 2 termined by the supreme court, upon appeal or writ of error to review a final
 3 order, judgment or decree, may apply for a rehearing therein in the following
 4 manner: Within fifteen days after an opinion is filed or a decision announced
 5 the party desiring a rehearing shall file a notice in writing of his intention
 6 to make such application with the clerk of the supreme court, and within
 7 twenty-five days after the filing of the opinion of the court or the announce-
 8 ment of its decision shall place on file in the clerk's office twenty printed copies
 9 of the petition: *Provided, however,* that the time for the filing of said printed
 10 copies of the petition may be extended by stipulation of the parties for an addi-

11 tional period not exceeding fifteen days, upon such stipulation being filed in
 12 the clerk's office within said twenty-five days, or upon an order entered by the
 13 court, or an order signed by any judge thereof, granting the extension. Upon the
 14 filing of any petition for a rehearing the party filing the same shall, upon de-
 15 mand, deliver to the opposite party, or his attorney, three or more copies there-
 16 of. Any appellate court may be applied to for a rehearing in substantially the
 17 same manner as above provided for on application to the supreme court for a
 18 rehearing: *Provided, however,* no such application shall be allowed in any case
 19 in which the judgment of the appellate court is subject to review by appeal in
 20 the discretion of the supreme court.

Sec. 1842. APPLICATION TO BE BY PETITION—NO LIMITATION UPON ARGU-
 2 MENT.] An application for a rehearing shall be made by petition to the court,
 3 signed by counsel and printed, stating, as concisely and briefly as the counsel
 4 preparing the same may deem practicable, the grounds upon which such re-
 5 hearing is applied for, with such argument in support of the application as
 6 such counsel may deem pertinent and necessary. No limitation shall be placed
 7 by any rule of court upon the right of counsel to present printed arguments in
 8 support of the application for a rehearing.

Sec. 1843. COURT GRANTING REHEARING TO STATE POINTS—FILING OF ARGU-
 2 MENT.] When, in any case, a rehearing is granted by the supreme court, it
 3 shall be the duty of the court, at the time of granting such rehearing, to file
 4 a statement in writing specifying the points with respect to which further
 5 argument is desired by the court. The petition for a rehearing shall stand as
 6 the printed argument in such case of the party in whose favor the rehearing
 7 is granted. The opposing party shall, in every such case, have twenty days from
 8 the time of the granting of the rehearing to reply to the petition, and the peti-
 9 tioner shall have ten days to file his closing argument, and the action shall
 10 then stand for final decision: *Provided, however,* that the time for the filing

11 of the arguments subsequent to the petition for a rehearing may be extended
 12 not exceeding twenty days by the stipulation of the parties or by an order of
 13 the court or of any judge thereof.

Sec. 1844. AGREED CASE.] The parties to any action or proceeding in any
 2 court of record may make an agreed case containing the points of law at issue
 3 between them and file the same in such court and the original of said agreed
 4 case, with a certified copy of the final order, judgment or decree rendered or
 5 entered thereon, may be certified by the clerk of such court to the supreme
 6 court or appellate court, as the case may be, in lieu of the authenticated record
 7 provided for by this Act; and upon such agreed case and the order, judgment
 8 or decree rendered or entered thereon being so certified and filed in the su-
 9 preme court or appellate court, as the case may be, the action shall then be pro-
 10 ceeded with in the same manner, as near as may be, as an ordinary appeal or
 11 writ of error, and the same shall be determined by the supreme court or appel-
 12 late court, as the case may be, according to the right and justice of the case. But
 13 in every such case an affidavit shall be filed in the supreme court or appellate
 14 court, as the case may be, setting forth that the matters presented by the record
 15 are being litigated in good faith about a matter in actual controversy between the
 16 parties and that the opinion of the supreme court or appellate court, as the case
 17 may be, is not sought with any other design than to adjudicate and settle the
 18 law relative to the matter in actual controversy between the parties to the
 19 record.

Sec. 1845. JUDGMENTS WHICH MAY BE ENTERED ON APPEAL OR ERROR.] In
 2 every case of appeal from or writ of error to a court of original jurisdiction
 3 the supreme court or appellate court may render either one of the following
 4 final judgments.

5 *First—AFFIRMANCE.*] It may affirm the order, judgment or decree of the
 6 inferior court.

7 *Second*—REVERSAL OR MODIFICATION AND NEW ORDER, ETC.] It may reverse, in
 8 whole or in part, or modify the order, judgment or decree of the inferior
 9 court and enter a final order, judgment or decree in lieu thereof: *Provided*,
 10 *however*, that this clause shall not apply to final judgments entered upon ver-
 11 dicts of juries in actions in which the parties are entitled to trials by jury
 12 as a matter of right, excepting that, in any tort action, or action for the breach
 13 of a promise of marriage in which the damages awarded by the jury seem to
 14 be excessive, the supreme court or appellate court may, with the consent of the
 15 party in whose favor the judgment has been entered, enter a remittitur and
 16 affirm the judgment for the balance after deducting such remittitur, or enter a
 17 new judgment for such balance after deducting such remittitur, and excepting
 18 also that in any action on a contract, express or implied, other than an action
 19 for a breach of promise of marriage, the supreme court or appellate court may
 20 increase or decrease the amount of the judgment as hereinafter provided.

21 *Third*—REVERSAL AND REMANDMENT FOR NEW TRIAL OR HEARING.] It may
 22 reverse the order, judgment or decree of the inferior court and remand the
 23 action to such inferior court for a new trial or new hearing.

24 *Fourth*—DISMISSAL OF APPEAL OR WRIT OF ERROR.] It may dismiss the appeal
 25 from or writ of error to the inferior court.

26 *Fifth*—TRANSFER.] It may transfer the appeal or writ of error to the ap-
 27 pellate court or supreme court, as the case may be.

Sec. 1846. ACTION NOT TO BE REMANDED WITH DIRECTIONS WHEN.] Neither
 2 the supreme court nor any appellate court shall in any case reverse a final
 3 order, judgment or decree of a court of original jurisdiction and remand the

4 action with such directions as leave no discretion to such inferior court with
 5 respect to further proceedings; but in every case where the decision of the su-
 6 preme court or appellate court is intended by such court to be construed as a
 7 final settlement of the rights of the parties so that nothing remains to be done
 8 but to carry such decision into effect, the supreme court or appellate court, as
 9 the case may be, shall enter the judgment or decree proper for that purpose
 10 without remanding the action, and every judgment or decree of the supreme
 11 court or appellate court reversing a final order, judgment or decree of a court
 12 of original jurisdiction and remanding the action to such court for further pro-
 13 ceedings shall, excepting as may be otherwise expressly provided by this Act,
 14 be construed to authorize a new trial or new hearing of the matter involved
 15 in such final order, judgment or decree upon its merits, with liberty to the
 16 parties to amend their pleadings, or other papers, and to introduce further
 17 evidence.

Sec. 1847. PROCEDURE WHEN JUDGMENT IS AFFIRMED.] When, upon appeal
 2 from or writ of error to a court of original jurisdiction, the decision of the
 3 supreme court or appellate court is that a final order, judgment or decree of
 4 the court of original jurisdiction be affirmed, the clerk of the supreme court or
 5 appellate court, as the case may be, at the end of thirty (30) days after the entry
 6 of the judgment of affirmance or, in case of a further stay of proceedings,
 7 upon the termination of such stay of proceedings, shall transmit a certified
 8 copy thereof attached to the authenticated record of the action, to the court of
 9 original jurisdiction and upon the filing thereof in such court of original juris-
 10 diction the order, judgment or decree thus affirmed may be enforced or carried
 11 into effect by execution or other appropriate proceeding.

Sec. 1848. PROCEDURE WHEN JUDGMENT, ETC., REVERSED AND ACTION NOT RE-
 2 MANDED.] When the decision of the supreme court or appellate court is that a
 3 final order, judgment or decree of the court of original jurisdiction be reversed,

4 in whole or in part, or modified without the action being remanded for a new
5 trial or new hearing, a final judgment or decree in appropriate form shall be
6 entered in the supreme court or appellate court, as the case may be, and at the
7 end of thirty (30) days after the entry thereof, or, in case of a further stay of pro-
8 ceedings, at the termination of such stay of proceedings, a certified copy thereof
9 attached to the authenticated record of the action shall be transmitted to the
10 court of original jurisdiction and entered upon the record of such court and,
11 if the same be a judgment or decree for money, the same shall be a lien on real
12 estate from the date of the entry thereof in the supreme court or appellate court
13 to the same extent as if the same were a judgment or decree of such court of
14 original jurisdiction, and every such final judgment or decree of the supreme
15 court or appellate court, as the case may be, shall be deemed a judgment of such
16 court of original jurisdiction and shall be enforced or carried into effect by
17 execution or other appropriate proceeding by such court of original jurisdic-
18 tion in the same manner as other judgments or decrees of such court.

Sec. 1849. PROCEDURE WHEN JUDGMENT, ETC., REVERSED AND ACTION RE-
2 MANDED.] When, upon appeal from or writ of error to a court of original jurisdic-
3 tion, the decision of the supreme court, or appellate court, is that a final order,
4 judgment or decree of the court of original jurisdiction be reversed and the
5 action remanded, the clerk of the supreme court or appellate court, as the case
6 may be, shall at the end of thirty (30) days after the entry thereof, or, in case of a
7 further stay of proceedings, upon the termination of such stay of proceedings,
8 transmit a certified copy thereof, together with a certified copy of the opinion of
9 the supreme court or appellate court, as the case may be, attached to the au-
10 thenticated record of the action to the court of original jurisdiction and upon
11 the filing thereof in such court of original jurisdiction such court shall, except-
12 ing as may be otherwise expressly provided by this Act, proceed to a new
13 trial or new hearing of the action upon its merits with liberty to the parties to
14 amend their pleadings or other papers and to introduce further evidence.

Sec. 1850. PROCEDURE WHEN APPEAL OR WRIT OF ERROR DISMISSED.] When,

2 upon appeal from or writ of error to a court of original jurisdiction, the de-
 3 cision of the supreme court or appellate court is that the appeal or writ of
 4 error be dismissed, the clerk of the supreme court, or appellate court, as the
 5 case may be, at the end of thirty (30) days after the entry of the judgment of
 6 dismissal, or, in case of a further stay of proceedings, upon the termination of
 7 such stay of proceedings, shall transmit a certified copy thereof, attached to the
 8 authenticated record of the action, to the court of original jurisdiction, and,
 9 upon the filing thereof in such court of original jurisdiction the order, judg-
 10 ment or decree of the court of original jurisdiction to review which the appeal
 11 or writ of error was prosecuted may be enforced or carried into effect by execu-
 12 tion or other appropriate proceeding.

Sec. 1851. PROCEDURE IN CASE OF TRANSFER.] When, upon appeal from or

2 writ of error to a court of original jurisdiction, the decision of the supreme
 3 court or appellate court is that the appeal or writ of error be transferred from
 4 the supreme court to the appellate court, or from the appellate court to the su-
 5 preme court, as the case may be, the clerk of the supreme court, or appellate
 6 court, as the case may be, immediately after the entry of the judgment of trans-
 7 fer, shall transmit a certified copy thereof attached to the authenticated record
 8 of the action, to the court to which the transfer is made, and upon the filing
 9 thereof in such court, such court shall proceed with the determination of the
 10 appeal or writ of error in the same manner as if the appeal had been taken to
 11 or writ of error prosecuted from such court.

Sec. 1852. WHEN CERTIFIED COPY, ETC., MAY BE TRANSMITTED PRIOR TO LAPSE

2 OF THIRTY DAYS.] Whenever the supreme court or appellate court shall so
 3 order, the clerk of the supreme court or appellate court, as the case may be, shall
 4 transmit to the clerk of the proper court the certified copy of the judgment of
 5 the supreme court or appellate court, as the case may be, attached to the au-

6 thenticated record 'specified in the five (5) preceding and five (5) subsequent
7 sections prior to the lapse of thirty (30) days after the entry thereof.

Sec. 1853. JUDGMENTS WHICH MAY BE ENTERED BY SUPREME COURT ON
2 APPEAL FROM APPELLATE COURT.] In every case of appeal from an appellate
3 court to the supreme court the supreme court may render either one of the
4 following judgments:

5 *First*—AFFIRMANCE OF JUDGMENT OF APPELLATE COURT.] It may affirm an
6 order, judgment or decree of the appellate court affirming an order, judgment
7 or decree of a court of original jurisdiction, or reversing, in whole or in part, or
8 modifying an order, judgment or decree of the inferior court and entering a
9 final order, judgment or decree in lieu thereof, or reversing a final order, judg-
10 ment or decree of the inferior court and remanding the action to the inferior
11 court for a new trial or hearing, or it may affirm an order of the appellate court
12 dismissing an appeal from or writ of error to a court of original jurisdiction.

13 *Second*—REVERSAL OF APPELLATE COURT AND AFFIRMANCE OF INFERIOR COURT.]
14 It may reverse an order, judgment or decree of the appellate court reversing,
15 in whole or in part, or modifying the order, judgment or decree of the court
16 of original jurisdiction and either entering a final order, judgment or decree
17 in lieu thereof or remanding the action to the court of original jurisdiction
18 for a new trial or hearing, and affirm the order, judgment or decree of the
19 court of original jurisdiction.

20 *Third*—REVERSAL OF APPELLATE AND INFERIOR COURT AND ENTRY OF FINAL
21 JUDGMENT.] It may reverse, in whole or in part, or modify the order, judg-
22 ment or decree of the appellate court, as well as the order, judgment or decree
23 of the court of original jurisdiction and enter such final order, judgment or decree
24 in lieu thereof as the court of original jurisdiction ought to have entered.

25 *Fourth*—REVERSAL OF BOTH COURTS AND REMANDING FOR NEW TRIAL.] It may
26 reverse the order, judgment or decree of the appellate court and the order,

27 judgment or decree of the court of original jurisdiction and remand the action
 28 to the court of original jurisdiction for a new trial or a new hearing.

29 *Fifth*—DISMISSAL OF APPEAL OR WRIT OF ERROR.] It may dismiss the appeal
 30 from the appellate court.

Sec. 1854. PROCEDURE WHEN SUPREME COURT AFFIRMS APPELLATE COURT.]

2 When, upon appeal from an appellate court, the decision of the supreme
 3 court is that an order, judgment or decree of the appellate court
 4 affirming an order, judgment or decree of the court of original jurisdic-
 5 tion or reversing, in whole or in part, or modifying, an order, judgment or
 6 decree of the inferior court and entering a final order, judgment or decree
 7 in lieu thereof, or reversing a final order, judgment or decree of the inferior
 8 court and remanding the action to the inferior court for a new trial or hear-
 9 ing, or an order dismissing an appeal from or writ of error to the court of
 10 original jurisdiction be affirmed, the clerk of the Supreme Court, at the end
 11 of thirty (30) days after the entry of the judgment of affirmance, or, in case
 12 of a further stay of proceedings, upon the termination of such stay of pro-
 13 ceedings, shall transmit a certified copy thereof attached to the authenticated
 14 record of the action to the court of original jurisdiction and, upon the filing
 15 thereof in such court of original jurisdiction, the order, judgment or decree of
 16 the appellate court thus affirmed shall be given the same effect and be pro-
 17 ceeded under in the same manner as if no such appeal to or writ of error from
 18 the Supreme Court had been prosecuted.

Sec. 1855. PROCEDURE WHEN SUPREME COURT REVERSES APPELLATE AND AF-

2 FIRMS COURT OF ORIGINAL JURISDICTION.] When, upon an appeal from an appel-
 3 late court, the decision of the supreme court is that an order, judg-
 4 ment or decree of the appellate court reversing, in whole or in part, or modi-
 5 fying the order, judgment or decree of the court of original jurisdiction and
 6 either entering a final order, judgment or decree in lieu thereof or remanding

7 the action to the court of original jurisdiction for a new trial or hearing, be re-
8 versed and that the order, judgment or decree of the court of original jurisdic-
9 tion be affirmed, the clerk of the Supreme Court, at the end of thirty (30) days
10 after the entry of the judgment of affirmance, or, in case of a further stay of
11 proceedings, upon the termination of such stay of proceedings, shall transmit
12 a certified copy thereof attached to the authenticated record of the action to
13 the court of original jurisdiction and upon the filing thereof in such court of
14 original jurisdiction the order, judgment or decree of such court thus affirmed
15 shall be enforced or carried into effect by execution or other appropriate
16 proceeding.

Sec. 1856. PROCEDURE WHEN SUPREME COURT REVERSES BOTH COURTS AND
2 ENTERS FINAL ORDER, ETC.] When, upon an appeal from an appellate court,
3 the decision of the supreme court is that the order, judgment or decree
4 of the appellate court and the order, judgment or decree of the court of original
5 jurisdiction be reversed without the action being remanded, and the Supreme
6 Court enters such final order, judgment or decree as the court of original
7 jurisdiction ought to have entered, the clerk of the Supreme Court, at the end
8 of thirty (30) days after the entry of such final order, judgment or decree, or, in
9 case of a further stay of proceedings, upon the termination of such stay of pro-
10 ceedings, shall transmit a certified copy thereof attached to the authenticated
11 record of the action to the court of original jurisdiction and, upon the filing
12 thereof in such court of original jurisdiction, the same shall be entered on
13 the record and shall be deemed an order, judgment or decree of such court of
14 original jurisdiction and shall be enforced or carried into effect by execution
15 or other appropriate proceeding by such court of original jurisdiction in the
16 same manner as other orders, judgments or decrees of such court, and if the
17 same be a judgment or decree for money, it shall be a lien on real estate from
18 the date of the entry thereof in the Supreme Court to the same extent as if the
19 same were an order, judgment or decree of such court of original jurisdiction.

Sec. 1857. PROCEDURE WHEN SUPREME COURT REVERSES AND REMANDS.]

2 When, upon an appeal from an appellate court, the decision of the
 3 Supreme Court is that the order, judgment or decree of the appellate court,
 4 as well as the order, judgment or decree of the court of original jurisdiction,
 5 be reversed and the action remanded to the court of original jurisdiction for a
 6 new trial or new hearing, the clerk of the Supreme Court shall, at the end of
 7 thirty (30) days after the entry thereof, or, in case of a further stay of proceed-
 8 ings, upon the termination of such stay of proceedings, transmit a certified
 9 copy thereof attached to the authenticated record of the action to the court of
 10 original jurisdiction, and, upon the filing thereof in such court of original juris-
 11 diction, such court shall, excepting as may be otherwise expressly provided by
 12 this Act, proceed to a new trial or new hearing of the action upon its merits
 13 with liberty to the parties to amend their pleadings or other papers and to in-
 14 troduce further evidence.

Sec. 1858. PROCEDURE WHEN SUPREME COURT DISMISSES APPEAL FROM OR

2 WRIT OF ERROR TO APPELLATE COURT.] When, upon an appeal from an appellate
 3 court, the decision of the supreme court is that the appeal be dismissed, the
 4 clerk of the supreme court, at the end of thirty (30) days after the entry of
 5 the judgment of dismissal, or, in case of a further stay of proceedings, upon
 6 the termination of such stay of proceedings, shall transmit a certified copy
 7 thereof attached to the authenticated record of the action to the court of original
 8 jurisdiction, and, upon the filing thereof in such court of original jurisdiction
 9 the order, judgment or decree of the appellate court to review which the ap-
 10 peal was prosecuted may be enforced or carried into effect by execution or
 11 other appropriate proceeding.

Sec. 1859 PROCEDURE WHEN APPEAL PERFECTED OR STAY OF PROCEEDINGS GRANTED

2 IN APPELLATE COURT.] Whenever, within thirty (30) days after the entry of an
 3 order, judgment or decree of the appellate court, an appeal to the Supreme Court

4 therefrom shall be perfected or for other reason proceedings under such order,
 5 judgment or decree shall be stayed, the transmitting of the certified copy here-
 6 inbefore provided for attached to the authenticated record of the action shall
 7 be delayed pending the termination of such appeal or until such stay of proceed-
 8 ings shall have been vacated; and when, within thirty (30) days after the entry
 9 of an order, judgment or decree of the Supreme Court, the proceedings under
 10 such order, judgment or decree shall be stayed, the transmitting of such certified
 11 copy attached to the authenticated record of the action shall be delayed pend-
 12 ing such stay of proceedings.

Sec. 1860. AUTHENTICATED RECORD TO BE RETAINED FOR PURPOSES OF WRIT OF
 2 ERROR OR OTHER PROCEEDINGS—WHEN.] Whenever, in any case, there are
 3 proceedings pending in either the appellate court or the supreme court
 4 which render it necessary that the authenticated record should remain
 5 in either of said courts, but which do not operate as a stay of proceedings of
 6 the court of original jurisdiction, the certified copy hereinbefore provided for
 7 of the order, judgment or decree of the appellate court or of the Supreme Court,
 8 as the case may be, shall be transmitted to the court of original jurisdiction
 9 without the authenticated record being attached thereto, and such authenti-
 10 cated record shall be returned to the court of original jurisdiction when the
 11 same is no longer necessary for use in any proceedings pending in said appel-
 12 late court or supreme court, as the case may be.

Sec. 1861. PROCEDURE IN CASE OF INTERLOCUTORY APPEALS.] In cases of ap-
 2 peals from interlocutory orders, judgments or decrees, a certified copy of the
 3 final judgment of the Supreme Court or appellate court, as the case may be,
 4 disposing of such appeal, attached to the authenticated record shall be trans-
 5 mitted to the clerk of the court appealed from within five days after the entry
 6 thereof by the Supreme Court or appellate court, as the case may be.

Sec. 1862. WRITTEN OPINIONS DISCRETIONARY.] Written opinions in cases de-
 2 termined in the supreme court and in the appellate courts shall only be filed by
 3 said respective courts when, in their judgment, the same are necessary for the
 4 protection of the rights of the parties, or when the public interests will be
 5 subserved thereby: *Provided, however,* that in every other case the court shall
 6 file a brief memorandum, for the information of the parties, setting forth the
 7 grounds of the decision.

Sec. 1863. CIRCUIT JUDGES TO BE ASSIGNED TO ASSIST SUPREME AND APPELLATE
 2 COURTS.] The supreme court may assign, from time to time, such number of
 3 judges of the circuit courts as the court may deem advisable to the duty of aid-
 4 ing the supreme court and the appellate courts in the following matters:

5 *First*—DETERMINATION OF QUESTIONS.] In the determination of questions of
 6 law and questions of fact arising in appeals and writs of error.

7 *Second*—OPINIONS.] In the preparation of written opinions.

8 *Third*—GENERAL SUPERINTENDENCE.] In the performance of the duties im-
 9 posed upon the judges of the supreme court by this act in respect to the general
 10 superintendence of the administration of justice in this State.

11 *Fourth*—EXAMINATION OF BOOKS.] In the examination of the books required
 12 by this act to be prepared and, when approved by the judges of the supreme
 13 court, to be published and distributed under the superintendence of the supreme
 14 court.

15 *Fifth*—OTHER WORK.] In the performance of such other work as the judges
 16 of the supreme court may deem proper.

Sec. 1864. JUDGES SO ASSIGNED TO ATTEND—POWERS OF JUDGES ASSIGNED TO AP-
 2 PELLATE COURTS.] Circuit judges assigned to duty as provided in the preceding
 3 section shall attend the court to which they may be assigned during such periods
 4 as may be fixed by the supreme court, and shall perform such work as may be
 5 allotted to them by the supreme court or the appellate courts. Every judge

6 so assigned to duty shall be paid out of the state treasury, on the certificate of
 7 the chief justice of the supreme court, his traveling and other reasonable and
 8 necessary expenses incurred in the performance of such duty. Any three judges
 9 assigned to duty as aforesaid in any appellate court may, when so ordered by
 10 the supreme court, have all the powers of a branch court in the determination of
 11 causes therein.

Sec. 1865. JUDGES OF SUPREME COURT AUTHORIZED TO SELECT ASSISTANTS—
 2 QUALIFICATIONS—SALARY—TENURE.] The judges of the supreme court are hereby
 3 authorized to appoint such number of persons, not exceeding three, as they may
 4 deem expedient to aid and assist said judges, in such manner as said judges
 5 may deem proper, in the performance of the work imposed upon them by law.
 6 The persons so appointed shall be residents of this State and shall be persons
 7 of high standing and recognized ability in the profession of the law. No person
 8 shall be so appointed who shall not have attained the age of forty years, or who
 9 shall have attained the age of seventy years, or whose physical condition is not
 10 such as to enable him to properly and promptly perform such work as may be
 11 imposed upon him by the judges of the supreme court. Every person so ap-
 12 pointed shall receive a salary of ten thousand dollars (\$10,000) per annum pay-
 13 able quarterly out of the State treasury, and he shall continue to hold the
 14 position to which he is appointed during the pleasure of a majority of the judges
 15 of the supreme court.

Sec. 1866. RULES TO BE OBSERVED IN REVIEW OF JUDGMENTS, ETC., OF COURTS
 2 OF ORIGINAL JURISDICTION.] In the review of orders, judgments and decrees of
 3 courts of original jurisdiction by the Supreme Court and the appellate courts
 4 the following rules shall be observed:

5 *First*—ALL QUESTIONS OF LAW AND FACT REVIEWABLE.] Upon the review by
 6 the Supreme Court or any appellate court of any order, judgment or decree
 7 of a court of original jurisdiction all the decisions of such court of original
 8 jurisdiction pertaining to such judgment, order or decree, shall be reviewable,
 9 whether such decisions pertain to the law or to the facts, and, upon the re-

view by the Supreme Court of any order, judgment or decree of an appellate court; all decisions of the court of original jurisdiction shall be reviewable which were reviewable by the appellate court.

Second—WHEN VERDICT NOT TO BE SET ASIDE.] The verdict of a jury in an action in which either party is entitled to a trial by jury as a matter of right, other than a criminal action, shall not be set aside because the same may appear to the Supreme Court or appellate court to be contrary to the evidence, unless the evidence preserved in the report of the proceedings settled and signed by the presiding judge is such as to satisfy the court beyond all reasonable doubt that to permit the verdict to stand would result in a miscarriage of justice.

Third—ERROR IN ADMISSION OF EVIDENCE NOT TO BE GROUND FOR REVERSAL WHEN.] No error committed by a court of original jurisdiction in admitting evidence in an action tried by jury shall be deemed ground for the reversal of the judgment entered upon the verdict of the jury, unless it shall appear probable to the supreme court or appellate court that such error, either of itself alone or in connection with other errors which may have been committed by such court of original jurisdiction, caused the rendition of a verdict different from that which otherwise would have been rendered by such jury.

Fourth—IMPROPER REMARKS.] No improper remark or remarks made during the progress of a trial by jury, whether made by the court or by any attorney, shall be deemed sufficient ground for the reversal of the judgment entered as a result of such trial, unless it shall appear probable to the Supreme Court or appellate court that such remark or remarks, either alone or in connection with other erroneous proceedings of the court of original jurisdiction, caused the jury to render a verdict which otherwise they would not have rendered.

Fifth—REFUSAL TO ADMIT COMPETENT EVIDENCE.] No error committed by a court of original jurisdiction in a refusal to admit competent evidence in an action other than a criminal action, shall be deemed sufficient ground for the reversal of a judgment, unless it shall appear that the evidence rejected was so im-

portant that the party complaining was seriously prejudiced by the refusal of the court to admit the same, and that the admission of such evidence would probably have resulted in a different judgment; and, for the purpose of ascertaining whether such refusal to admit competent evidence should require the reversal of such judgment, the supreme court, or appellate court, as the case may be, shall have power to cause such rejected evidence to be taken before a master in chancery or other officer of the court of original jurisdiction and to be reported to the supreme court or appellate court, as the case may be, for its consideration in the determination of the appeal or writ of error.

Sixth—CHARGE OF THE COURT,] The charge of the court in a trial by jury shall in every case be considered as a whole, and if, when so considered, it states the law applicable to the case fairly and with reasonable accuracy, the judgment shall not be reversed because some portion or portions of the charge when considered alone, would appear to be erroneous, nor shall any error in a charge as given, or in refusing to charge as requested, be ground for reversal unless it appears probable to the Supreme Court or appellate court that the jury were misled thereby.

Seventh—ERRORS OF LAW NOT TO BE GROUND FOR REVERSAL WHEN.] No judgment in an action tried by jury shall be reversed for errors of law committed by the court of original jurisdiction after the impanelling of the jury and during the progress of the trial thereof, other than errors committed by the refusal of the court to admit competent evidence, if, in the opinion of the Supreme Court or appellate court, the verdict of the jury, notwithstanding such error, was clearly justified by the greater weight of the evidence, if the action is a civil or quasi criminal action, or that the evidence established the guilt of the defendant beyond all reasonable doubt, if the action is a criminal action.

Eighth—PRESUMPTION AS TO INTEGRITY AND SOUND JUDGMENT OF JURORS.] In the review of a trial by jury the presumption shall be indulged, in the absence of proof other than their verdict in the record to the contrary, that the jurors were men free of all legal exceptions, of approved integrity, of sound judgment,

well informed and who understood the English language, and that their verdict has not been affected by irregularities, or matters, other than the law and the evidence, which ought not to affect the judgment of men of approved integrity, of sound judgment and who are well informed.

Ninth—FINDING OF COURT TO BE MERELY ADVISORY—ERRORS OF LAW.] In actions at law tried by the court without a jury the finding of the court shall be advisory merely and shall be given such weight only as may be justified from the opportunity, if any, afforded the trial judge of seeing the witnesses and hearing them testify, and such finding shall in no manner relieve the Supreme Court or the appellate court of the duty of a full and careful consideration of the evidence, and the Supreme Court or appellate court shall affirm or reverse the judgment, or modify the same according to their opinion of the right and justice of the case as shown by the evidence, without any regard to such judgment or to errors committed by the trial court during the progress of the trial: *Provided, however,* that errors committed by the trial court in refusing to admit competent evidence shall be ground for the reversal of the judgment, if it appears probable that the admission of such evidence would have produced a different result, or, that the evidence rejected was so important that the party complaining was seriously prejudiced by the refusal of the court to admit the same.

Tenth—FINDING OF MASTER AND DECREE TO BE MERELY ADVISORY.] The finding of a master in chancery, or the order or decree of a court of original jurisdiction, in an action in equity shall be advisory merely, and shall be given such weight only as may be justified from the opportunity, if any, afforded the master or trial judge of seeing the witnesses and hearing them testify, and no presumption shall be indulged to sustain any decree in an action in equity which appears to the Supreme Court or appellate court to be contrary to the evidence, nor shall such finding, order or decree in any manner relieve the Supreme Court or the appellate court of the duty of a full and careful consideration of the evidence.

99 *Eleventh—VARIANCE.*] No order, judgment or decree in any action shall
 100 be reversed on account of any variance or supposed variance between the
 101 statements of claims, specifications of defenses, pleadings or other papers filed
 102 by the respective parties and the evidence, unless it shall appear probable that,
 103 by reason of such variance, the party complaining thereof has been prevented
 104 from presenting to the court of original jurisdiction additional evidence of ad-
 105 vantage to him in the prosecution of his claim or the establishing of his
 106 defense, or has been otherwise seriously prejudiced by such variance.

107 *Twelfth—WHEN REVERSAL IS FOR ERROR AS TO DAMAGES.*] Whenever, in any
 108 action at law for the recovery of money only, a judgment in favor of either
 109 party entered upon the verdict of a jury shall be reversed by the Supreme
 110 Court or any appellate court solely on account of errors in the proceedings
 111 affecting the amount of damages awarded to such party, it shall be the duty of
 112 the Supreme Court or appellate court, as the case may be, to remand the ac-
 113 tion to the court of original jurisdiction with directions to order a new trial
 114 of such action and upon such new trial to submit to the jury no other ques-
 115 tion than the amount of damages which the evidence may entitle such party
 116 to recover, and in such case it shall be the duty of the trial court to instruct
 117 the jury that the liability of the opposite party has been established and that
 118 the sole question for the determination of the jury is the amount to be awarded
 119 as damages to the party whose judgment has been so reversed.

120 *Thirteenth—WHEN OMISSION AS TO PROOF MAY BE SUPPLIED.*] Whenever,
 121 from an inspection of the authenticated record, it shall appear that an order,
 122 judgment or decree of the court of original jurisdiction in any action, whether
 123 the same be tried by jury or by the court without a jury, is erroneous solely be-
 124 cause of the omission of proof of some material fact or facts, which proof may
 125 be made to appear to the court to have been omitted through inadvertence and
 126 to be capable of being readily supplied, the Supreme Court or the appellate
 127 court, as the case may be, may, in its discretion, permit such proof to be sup-
 128 plied in such manner as the court may deem expedient, and, upon proof to the

129 satisfaction of the court of such material fact or facts, such order, judgment or
130 decree shall be affirmed.

131 *Fourteenth*—CURING DEFECT IN PLEADING, WRIT, OFFICER'S RETURN, ETC.]
132 Whenever from an inspection of the authenticated record it shall appear that
133 an order, judgment or decree of the court of original jurisdiction is errone-
134 ous because of some defect in some pleading, summons, writ, affidavit, offi-
135 cer's return or other paper filed, or in some record entry, the Supreme Court
136 or appellate court, as the case may be, shall, if such defect be capable of re-
137 moval by amendment, permit such pleading, summons, writ, affidavit, officer's
138 return or other paper, or record entry, to be amended to conform to the truth,
139 and when such amendment shall be made such defect shall not be ground for
140 the reversal of such order, judgment or decree.

141 *Fifteenth*—POWER OF SUPREME AND APPELLATE COURTS TO INCREASE OR DIMINISH
142 DAMAGES IN ACTIONS ON CONTRACTS TRIED BY JURY.] Whenever, upon an appeal
143 or writ of error for the review of a judgment of a court of original jurisdiction
144 in an action on a contract, express or implied, tried by jury, other than an ac-
145 tion for a breach of promise of marriage, it shall appear to the appellate court
146 or the supreme court, that such judgment is erroneous only in respect to the
147 amount of damages awarded by the jury, and that the amount of damages which
148 ought to have been awarded by the jury can be ascertained or estimated by the
149 court from the evidence with as much accuracy and certainty as the same could
150 be estimated by a jury, the court shall not reverse the judgment on account of
151 such error, but shall correct the same by increasing or decreasing the amount
152 thereof to such an extent as the court may deem equitable and just and shall
153 affirm the same as so corrected.

154 *Sixteenth*—POWER OF SUPREME COURT IN CRIMINAL CASES.] Upon any writ
155 of error for the review of a judgment of a court of original jurisdiction in a
156 criminal action, the supreme court shall have power to mitigate the punishment
157 of any defendant as fixed by the judgment of such court of original jurisdiction
158 to such an extent as the court may deem just and right, and the supreme court

159 shall also have power in any such case, subject to such rules as the court may
 160 prescribe therefor, to receive, on behalf of the defendant, additional evidence
 161 bearing upon his guilt or innocence, and to render such judgment as such addi-
 162 tional evidence, together with the evidence contained in the authenticated rec-
 163 ord, may appear to justify: *Provided, however,* that when additional evidence
 164 is introduced on behalf of the defendant, additional evidence may also be offered
 165 on behalf of the people; *and, provided further,* that no judgment so entered by
 166 the supreme court shall increase the punishment of the defendant as fixed in the
 167 judgment of the court of original jurisdiction.

168 *Seventeenth*—WHEN JOINT JUDGMENT ERRONEOUS ONLY AS TO PORTION OF DE-
 169 FENDANTS.] When, upon the review of a joint judgment against several defend-
 170 ants, it appears that such judgment is erroneous only as to one or more but not
 171 all of the defendants the supreme court or appellate court, as the case may be,
 172 shall reverse the judgment only as to the defendant or defendants as to whom
 173 the same is erroneous and shall affirm the same as to the defendant or defend-
 174 ants as to whom the same is not erroneous and shall make such order with re-
 175 spect to further proceedings in the court of original jurisdiction as may appear
 176 to be necessary to the attainment of right and justice.

177 *Eighteenth*—GRANTING INJUNCTION ORDERS, APPOINTING RECEIVERS, OR SUSPEND-
 178 ING OR MODIFYING INJUNCTION OR RECEIVERSHIP ORDERS, ETC.] The supreme court,
 179 or appellate court may, in its discretion, pending the final determination of any
 180 appeal or writ of error, grant an injunction order or appoint a receiver, or sus-
 181 pend or modify an injunction order or receivership order granted by the court
 182 of original jurisdiction, or may make any other order which the court of orig-
 183 inal jurisdiction might have made and for that purpose may allow the introduc-
 184 tion of additional evidence.

185 *Nineteenth*—MODIFYING ORDER, JUDGMENT OR DECREE UPON FACTS ARISING SINCE
 186 THE ENTRY THEREOF.] Whenever it shall appear to the supreme court, or appel-
 187 late court, as the case may be, that facts have arisen since the entry, by the
 188 court of original jurisdiction, of the order, judgment or decree sought to be re-

viewed which render it right and just that such order, judgment or decree should be varied, modified or reversed, the court may make such variation or modification of such order, judgment or decree, or may reverse the same, so that right and justice may be done between the parties and to that end the supreme court or appellate court, as the case may be, shall have power to permit such facts to be proven in such manner as the court may deem convenient.

Twentieth—GENERAL POWER OF APPELLATE AND SUPREME COURTS.] The supreme court and the appellate courts shall have power to adopt all other proceedings in addition to those hereinbefore in this section specified, either by the reception of additional evidence or otherwise, as may appear to be necessary or expedient to the determination of every appeal or writ of error according to the very right and justice of the case as the same may be made to appear to the supreme court or appellate court: *Provided, however*, that all such proceedings shall be conducted in accordance with such rules as may be prescribed, from time to time, by the supreme court, and, *provided further*, that in an action tried by jury additional evidence shall be admitted only to the extent provided for in the preceding clauses of this section.

Sec. 1867. CERTIFYING QUESTIONS AS TO CONSTRUCTION OF THIS ACT, ETC.—
 FORM OF CERTIFICATE.] Whenever, during the pendency of any action in any circuit court, the superior court of Cook county, the criminal court of Cook county, or any city court, any question shall arise in respect to the practice or mode of procedure in such action, and the presiding judge of such court shall be in doubt as to the proper decision to make upon such question, such judge, if such question be one of law only, may, in his discretion, certify such question to the supreme court, and it shall thereupon be the duty of the supreme court to determine such question of law with all convenient speed and to cause its decision to be certified to such court of original jurisdiction. Any judge certifying any such question to the supreme court shall accompany his certificate

12 by such suggestions and citations of authorities, if any, as the respective
 13 parties may request to be transmitted to the supreme court to aid the court in
 14 the determination of such question, and shall allow said respective parties such
 15 reasonable time as may be necessary to enable them to prepare such sugges-
 16 tions and citations of authorities. Such certificate may be in substantially the
 17 following form:

18 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

20	Richard Roe.	} Contract. No. 315.
	v.	
19	John Doe	

21 CERTIFICATE OF QUESTION OF PRACTICE.

22 To the Supreme Court of the State of Illinois:

23 I, John Jones, judge of the circuit court of Cook county, Illinois, do hereby
 24 certify that in the above entitled action now pending in said court there has
 25 arisen a question respecting the decision of which I am in doubt, which question
 26 is as follows: (Here state question).

27 Attached hereto are suggestions and citations of the authorities presented
 28 by the respective parties upon said question.

29 Dated Chicago, Illinois, this 17th day of February, 1908.

30 JOHN JONES, *Judge.*

Sec. 1868. PROCEDURE NOT OTHERWISE PROVIDED FOR.] In all matters not
 2 provided for by this Act the procedure in the supreme court and appellate
 3 courts in cases of appeal and writs of error shall be such as may be prescribed
 4 by such rules as may be adopted by the supreme court, and, when no provision
 5 is made by this act or by such rules, then as nearly in accordance with the
 6 methods of procedure heretofore prevailing in this state in such appeals and
 7 writs of error as may be consistent with the general spirit and intention of this
 8 Act.

DIVISION LXXI.

THE FILES, RECORDS AND RECORD ENTRIES OF COURTS OF RECORD.

SECTION

- 1869. Record defined.
- 1870. Orders, etc., interlocutory or final—definitions.
- 1871. What orders, etc., are final.
- 1872. What orders, etc., are interlocutory.
- 1873. Record entries and papers constituting part of record.
- 1874. What constitute pleadings.
- 1875. Records in tax, special assessment and special proceedings, etc.
- 1876. Supreme court to prescribe rules as to other proceedings.
- 1877. Reforming pleadings, etc., in pending actions.
- 1878. Parties not to be prejudiced by mistakes in preparation of authenticated record.
- 1879. Validity of judgment, etc., in collateral proceeding.
- 1880. Test of jurisdiction in case of appeal—amendment of record.
- 1881. Record of appellate court.
- 1882. Record of supreme court in case of original jurisdiction.
- 1883. Record of supreme court upon appeal from or writ of error to court of original jurisdiction.
- 1884. Record of supreme court upon appeal from or writ of error to appellate court.
- 1885. Record of supreme and appellate courts in other cases.
- 1886. Supreme court to prescribe rules as to other proceedings.
- 1887. Federal questions—how preserved.
- 1888. Actions, etc., to be numbered.
- 1889. Function of number.
- 1890. Paper of uniform size and quality to be used.
- 1891. Entitling of papers.
- 1892. Blanks to be used.
- 1893. Flat filing system—no writing on back—exception—file mark—margin.
- 1894. Clerk not to file paper not complying with provisions of act—striking papers from files.

SECTION

- 1895. Filing of papers to be registered.
- 1896. Files not to be taken from clerk's office—exception.
- 1897. Copies of papers served to be true and complete.
- 1898. Extra copy of record.
- 1899. Record papers to be kept fastened together.
- 1900. Copy of register and minute book to be kept with record files or copy thereof.
- 1901. When orders to be filed with record papers.
- 1902. Books to be kept by clerks of courts of record in other than insanity and probate matters.
- 1903. Register and minute book—size, binding, etc.
- 1904. Size, form, etc., of other record books.
- 1905. Kinds of books to be kept by each clerk.
- 1906. Books for insanity proceedings.
- 1907. Size, binding, etc., of insanity register and minute book.
- 1908. Books for probate matters.
- 1909. How orders, judgments and decrees may be entered.
- 1910. What orders, judgments and decrees to be entered in other than insanity and probate matters on record books in full.
- 1911. What orders, judgments and decrees in probate matters to be entered on record books in full.
- 1912. What orders and documents not to be entered in full on record books.
- 1913. Certain memoranda not to be entered.
- 1914. Presumptions of regularity.
- 1915. Interlocutory orders of unusual form.
- 1916. Rules as to orders, etc., entered upon record or written out in full to be as specified in succeeding sections.
- 1917. Entitling, date, name of judge, etc.
- 1918. Interlocutory order, etc., to be confined to stating what is ordered, etc.—exception.

SECTION

- 1919. Recitals of evidence heard or facts found to be omitted.
- 1920. When order, etc., presumed warranted by evidence, etc.—preliminary injunction, etc., order.
- 1921. When order, etc., presumed based solely on evidence in report, etc.
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- 1923. What final order in civil action, etc., to contain — introduction — matters ordered, etc.
- 1924. What final judgment in criminal action to contain—introduction—sentence.
- 1925. What final judgment in municipal ordinance case to contain—introduction—imposition of fine.
- 1926. Order, etc., in civil, etc., action not to contain order for execution, etc.—how judgments, etc., enforced.
- 1927. Sentence in criminal action not to contain order for process—how judgment enforced.
- 1928. Judgment in municipal ordinance case not to contain order for process—how judgment enforced.
- 1929. Officer receiving body of defendant to execute receipt—forms.
- 1930. Receipt to be filed with clerk of court.
- 1931. Forms of judgment and certificates.
- 1932. Presumptions in case of sentence to workhouse or house of correction.
- 1933. Presence of party need not be shown by record.

SECTION

- 1934. Entry of filing or approval of bond—effect of entry in case of loss or destruction of bond.
- 1935. Abbreviations.
- 1936. Illustrations of abbreviations of miscellaneous matters.
- 1937. Forms of verdicts in civil, etc., actions with abbreviations.
- 1938. Forms of judgments in civil actions at law.
- 1939. Forms of judgments in municipal ordinance actions.
- 1940. Forms of judgments in criminal actions.
- 1941. Forms of decrees in actions in equity.
- 1942. Form of register and minute book with illustrations of manner of making entries therein.
- 1943. Form of probate register and minute book with illustration of manner of making entries therein.
- 1944. Forms of estate claim register and claimants' claim register with illustrations of manner of making entries therein.
- 1945. Form of insanity register and minute book with illustration of manner of making entries therein.
- 1946. Variance from prescribed forms—validity of entry.
- 1947. Provisions as to forms of orders, etc., to be strictly enforced—employment of expert.
- 1948. Transcript for use without this state.
- 1949. Provisions as to files and records to be subject to alteration.

Sec. 1869. RECORD DEFINED.] The record of a court of record in any action
 2 or proceeding shall consist of all of the orders, judgments and decrees entered
 3 therein, and of such of the papers filed therein, including opinions in writing
 4 filed by the supreme court or an appellate court, as are to be considered, upon
 5 appeal or writ of error, in determining the validity and regularity of such
 6 orders, judgments and decrees.

Sec. 1870. ORDERS, ETC., INTERLOCUTORY OR FINAL—DEFINITIONS.] Orders,
 2 judgments and decrees may be either interlocutory or final. A final order,

3 judgment or decree is one which finally determines the rights of the parties
 4 with respect to the matter therein adjudicated and which the parties are
 5 entitled to have carried into execution or otherwise given force and effect.
 6 An interlocutory order, judgment or decree is one which is not final.

Sec. 1871. WHAT ORDERS, ETC., ARE FINAL.] The following orders, judg-
 2 ments and decrees are final in their nature:

3 *First*—ORDER, ETC., FOR MONEY OR PROPERTY ENFORCIBLE BY EXECUTION, ETC.
 4 —EXCEPTION.] Any order, judgment or decree for the recovery or payment
 5 or delivery of money or other property, one for the delivery of money or
 6 other property by a party to the action to a receiver appointed by the court
 7 to hold the same subject to the further disposition of the court excepted, and
 8 which the party in whose favor the same is rendered is entitled to have
 9 enforced by execution, attachment or other appropriate proceeding to com-
 10 pel the payment or the delivery of possession thereof.

11 *Second*—ORDER, ETC., FOR PERFORMANCE OF ACT, ETC.] Any order, judg-
 12 ment or decree requiring the performance by a party to the action of some
 13 Act, other than one excepted by the preceding clause, for the benefit of an-
 14 other party to the action and which the latter is entitled to have enforced
 15 by some appropriate proceeding for the enforcement thereof, and finally de-
 16 termining such party's right to the performance thereof.

17 *Third*—ORDER, ETC., FOR SALE OF PROPERTY, ETC.] Any order, judgment or
 18 decree directing the sale of real or personal property which forms, in whole or
 19 in part, the subject-matter of the action or which comes under the control of
 20 the court by reason thereof.

21 *Fourth*—ORDER, ETC., FINALLY DISPOSING OF PROPERTY, ETC.] Any order,
 22 judgment or decree, which, unless set aside or reversed, finally disposes of real
 23 or personal property, or of some interest therein, or of the proceeds thereof,
 24 which comes under the control of the court by reason of the action.

25 *Fifth*—DECREE DECLARING RIGHTS, DUTIES OR LIABILITIES, ETC.] A decree de-
 26 claring the rights, duties or liabilities of any one or more of the parties to the

27 action with respect to any other party or parties thereto in any matter in which
 28 they, or any or either of them, are, or claim to be interested, when no substan-
 29 tive relief is sought with respect to the rights, duties or liabilities thus declared.

30 *Sixth*—SENTENCE OF DEATH, IMPRISONMENT, FINE, ACQUITTAL OR DISCHARGE
 31 IN CRIMINAL ACTION.] Any order or judgment in a criminal action sentencing a
 32 defendant to death or imprisonment, or requiring him to pay a fine or costs, or
 33 any order acquitting the defendant or finally discharging him from custody.

34 *Seventh*—ORDER, ETC., FINALLY DETERMINING RIGHTS OF PARTIES.] Any other
 35 order, judgment or decree, which, unless set aside or reversed, finally deter-
 36 mines the rights of the parties with respect to the subject-matter of the action,
 37 or any part thereof.

38 *Eighth*—ORDER, ETC., HERETOFORE HELD FINAL.] Any order, judgment or
 39 decree not included within the foregoing which has heretofore, by the courts
 40 of this State, been treated as a final order, judgment or decree.

Sec. 1872. WHAT ORDERS, ETC., ARE INTERLOCUTORY.] The following orders,
 2 judgments and decrees are interlocutory in their nature:

3 *First*—ORDER APPOINTING RECEIVER, ETC.] An order appointing or refusing
 4 to appoint a receiver pendente lite, or vacating or refusing to vacate an order
 5 appointing a receiver, or modifying or changing or refusing to modify
 6 or change an order previously granted for the appointment of a receiver.

7 *Second*—ORDER FOR DELIVERY OF PROPERTY TO RECEIVER.] An order requir-
 8 ing the delivery of real or personal property by any party to an action to a
 9 receiver appointed therein pendente lite.

10 *Third*—ORDER GRANTING OR REFUSING NEW TRIAL.] An order granting or
 11 refusing a new trial in any action.

12 *Fourth*—DECREE FOR ACCOUNTING.] A decree for an accounting in an
 13 action in equity.

14 *Fifth*—DECLARATORY DEGREE IN PARTITION.] A decree declaratory of the
 15 rights of the parties in an action in equity for the partition of real estate or
 16 the assignment of dower.

17 *Sixth*—INJUNCTION ORDER.] An order granting or refusing to grant an in-
 18 junction, or dissolving or refusing to dissolve an injunction previously
 19 granted, or modifying or changing, or refusing to modify or change an injunc-
 20 tion order previously granted.

21 *Seventh*—ORDER ON DEMURRER OR EXCEPTIONS.] An order sustaining or
 22 overruling a demurrer, or exceptions to any pleading.

23 *Eighth*—ORDER AS TO MASTER'S REPORT.] An order approving or disapprov-
 24 ing, in whole or in part, a report of a master in chancery of his findings upon
 25 a reference.

26 *Ninth*—POSTPONEMENT OF TRIAL.] An order postponing the trial or hear-
 27 ing of an action.

28 *Tenth*—RULE TO SHOW CAUSE.] An order ruling any party to show cause
 29 against the entry of a subsequent order.

30 *Eleventh*—RULE TO FILE BOND, ETC.] An order ruling a party to file a bond
 31 or other security.

32 *Twelfth*—ORDER, ETC., HERETOFORE HELD INTERLOCUTORY.] Any order, judg-
 33 ment or decree not included within the foregoing which has heretofore, by the
 34 courts of this State, been treated as an interlocutory order, judgment or
 35 decree, and which is not a final order, judgment or decree within the meaning
 36 of the preceding section.

 Sec. 1873. RECORD ENTRIES AND PAPERS CONSTITUTING PART OF RECORD.] The
 2 following record entries made and papers filed in any action or proceeding com-
 3 menced after the taking effect of this act shall constitute a part of the record
 4 thereof for the purposes of an appeal or writ of error:

5 *First*—ENTRIES IN REGISTER AND MINUTE BOOK.] Every entry in the register
 6 and minute book.

7 *Second*—DRAFTS OF ORDERS, JUDGMENTS AND DECREES.] Every draft of an
 8 order, judgment or decree signed by a judge.

9 *Third*—ORDERS, JUDGMENTS AND DECREES SPREAD AT LARGE.] Every order,
 10 judgment or decree which has been spread at large upon the record.

11 *Fourth*—AMENDMENTS.] Every amendment filed by leave of court of any
 12 paper which, by any provision of this act, is declared to constitute a part of the
 13 record.

14 *Fifth*—REPORTS OF PROCEEDINGS.] Every report of the proceedings settled
 15 and signed by a judge.

16 *Sixth*—MASTER'S REPORTS.] Every report of a master in chancery with the
 17 evidence, if any, accompanying the same.

18 *Seventh*—REPORTS AND INVENTORIES OF RECEIVER, ADMINISTRATOR, ETC.] Every
 19 report or inventory of a receiver, administrator, guardian or conservator.

20 *Eighth*—PLEADINGS.] Every paper constituting a pleading, or part thereof,
 21 as defined in the succeeding section.

22 *Ninth*—SUMMONS, WRIT, RETURN, NOTICE, PUBLISHER'S CERTIFICATE, ETC.]
 23 Every summons, citation or other writ for the appearance of a party, and the
 25 proofs of service thereof, including proof of service of copies of papers served
 26 therewith, or, in case of notice by publication, every copy of the notice with the
 27 certificate of the publisher of the publication thereof, the certificate, if any, of
 28 the clerk of the mailing thereof, and the affidavit authorizing such notice by
 29 publication.

30 *Tenth*—AUTHENTICATED RECORDS.] Every authenticated record of the pro-
 31 ceedings before a justice of the peace, together with the papers transmitted
 32 by him to the court appealed to, or from which a writ of certiorari is prosecuted,
 33 in case of an appeal from or writ of certiorari to such justice of the peace, and
 34 every authenticated record of the proceedings before the probate court or county
 35 court upon an appeal from an order of such court allowing or disallowing a will
 36 to probate.

37 *Eleventh*—RECOGNIZANCES AND BONDS.] Every recognizance and bond.

38 *Twelfth*—INTERROGATORIES AND ANSWERS AND AFFIDAVITS.] All interrogatories
 39 filed to be answered by an adverse party or person for whose immediate benefit

40 the action is prosecuted or defended, or by the officers, superintendents or
 41 managing agents of any corporation, which is a party to the record, or by any
 42 garnishee; all answers to such interrogatories with the affidavits verifying the
 43 same, and all affidavits in support of the right to file such interrogatories.

44 *Thirteenth*—STATEMENTS OF FACTS AND REPLYs.] Every statement of facts
 45 expected to be proven, and every reply to a statement of facts expected to be
 46 proven.

47 *Fourteenth*—EXECUTIONS, ETC.] Every execution, writ of retorno habendo,
 48 writ of restitution or other writ for the enforcement of any order, judgment or
 49 decree, and every return thereon, and every other paper provided for by this
 50 act pertaining to the enforcement of any order or decree.

51 *Fifteenth*—PAPER REFERRED TO IN REPORT OF PROCEEDINGS.] Every paper on
 52 file in the action and which is referred to in any report of the proceedings
 53 settled and signed by a judge and filed therein.

54 *Sixteenth*—MOTIONS AND AFFIDAVITS.] Every motion and every affidavit ac-
 55 companying the same.

56 *Seventeenth*—OPINION OF COURT.] Every opinion in writing filed by the su-
 57 preme court or any appellate court.

58 *Eighteenth*—OTHER PAPERS.] All other papers which the supreme court may,
 59 by rule, direct to be considered as a part of the record.

Sec. 1874. WHAT CONSTITUTE PLEADINGS.] The term “pleadings” as used
 2 in the preceding section shall include the following papers:

3 *First*—PRAECIPE.] Every praecipe.

4 *Second*—STATEMENT OF CLAIM.] Every statement of claim or counterclaim,
 5 or claim against an estate.

6 *Third*—INTEVENER’S CLAIM OR PETITION.] Every statement of intervener’s
 7 claim or intervener’s petition.

8 *Fourth*—COPY OF DISTRESS WARRANT, ETC.] Every copy of a distress war-
 9 rant and inventory.

10 *Fifth*—AFFIDAVIT IN ATTACHMENT, ETC.] Every affidavit in attachment, at-
 11 tachment in aid, attachment of water craft, or for the issuance of a capias ad
 12 respondendum, or in replevin.

13 *Sixth*—AFFIDAVIT OF CLAIM, ETC.] Every affidavit of claim, affidavit of
 14 merits, affidavit denying execution of an instrument or joint liability, affidavit
 15 verifying any pleading, affidavit denying grounds of attachment, affidavit of
 16 facts in support of motion in abatement, or affidavit denying facts set forth in
 17 any pleading.

18 *Seventh*—APPEARANCE.] Every appearance.

19 *Eighth*—SPECIFICATION OF DEFENSE.] Every specification of defense or de-
 20 fenses.

21 *Ninth*—EQUITY.] Every bill of every kind, exception, demurrer, plea or
 22 answer, in an action in equity.

23 *Tenth*—MANDAMUS.] Every petition, exception, demurrer, or answer in an
 24 action of mandamus.

25 *Eleventh*—QUO WARRANTO.] Every petition, information, demurrer, plea,
 26 replication or rejoinder in quo warranto.

27 *Twelfth*—CERTIORARI.] Every petition, or answer in an action of certiorari.

28 *Thirteenth*—BASTARDY.] Every complaint in an action of bastardy.

29 *Fourteenth*—HABEAS CORPUS.] Every petition and every return upon the
 30 writ in an action of habeas corpus.

31 *Fifteenth*—EMINENT DOMAIN.] Every petition or answer in an action of
 32 eminent domain.

33 *Sixteenth*—GARNISHMENT.] Every petition in garnishment.

34 *Seventeenth*—CHANGE OF VENUE.] Every petition for a change of venue
 35 and every affidavit accompanying the same.

36 *Eighteenth*—CONTEMPT.] Every motion for a rule to show cause with the
 37 affidavit or complaint accompanying the same in an action of contempt or crim-
 38 inal action for the punishment of a criminal contempt and every counter-affi-
 39 davit of the defendant.

40 *Nineteenth*—QUASI CRIMINAL COMPLAINT.] Every complaint in a quasi-
 41 criminal action for the recovery of a fine or penalty for the violation of an
 42 ordinance of a municipal corporation.

43 *Twentieth*—CRIMINAL.] Every complaint, information or indictment in a
 44 criminal action.

45 *Twenty-first*—SUPPLEMENTARY PROCEEDINGS.] Every petition in a supple-
 46 mentary proceeding and every affidavit filed by any defendant in answer thereto.

47 *Twenty-second*—OTHER PETITIONS AND ANSWERS.] Every other petition filed
 48 in any action and every answer thereto.

49 *Twenty-third*—OTHER PAPERS.] All other papers which the supreme court
 50 may, by rule, direct to be considered as pleadings.

Sec. 1875. RECORDS IN TAX, SPECIAL ASSESSMENT AND SPECIAL PROCEEDINGS, ETC.]

2 The records of courts of record of original jurisdiction of all tax, special assess-
 3 ment and special proceedings, and the records of such courts of all actions and
 4 proceedings heretofore determined, and of all actions and proceedings pending
 5 at the time of the taking effect of this act, shall, until otherwise provided as
 6 specified in the succeeding section, consist of the papers and record entries which
 7 by the laws in force at the time of the taking effect of this act, constitute the
 8 records thereof.

Sec. 1876. SUPREME COURT TO PRESCRIBE RULES AS TO OTHER PROCEEDINGS.] It

2 shall be the duty of the Supreme Court, as soon after the taking effect of this
 3 Act as may be practicable, to prescribe by rule what papers and record entries
 4 shall constitute the record in all actions and proceedings referred to in the pre-
 5 ceding section and the manner of making up and certifying the authenticated
 6 records in such cases for the purposes of appeals and writs of error, and the
 7 Supreme Court may also, by general rule, for the purpose of appeals and writs
 8 of error, provide for the incorporation in the authenticated record, in any action
 9 or proceeding hereinbefore specially provided for, any other paper or record

entry which, in the opinion of the court, ought to constitute a part of the record of such action or proceeding. The rules provided for in this section may be prescribed by the judges of the supreme court either in term time or in vacation.

Sec. 1877. REFORMING PLEADINGS, ETC., IN PENDING ACTIONS.] In any action at law, a criminal action or a quasi criminal action commenced by warrant accepted, or in any action in equity, which action at law or in equity may be pending at the time of the taking effect of this Act, the court in which such action is pending may, at the request of either party, or of its own motion, cause the pleadings and other papers filed therein and the record entries made therein to be reformed so as to comply, as near as may be, with the provisions of this Act, and thereupon such action shall be prosecuted, and all subsequent proceedings therein, including an appeal or writ of error, shall be conducted, as if the same had been commenced and prosecuted subsequent to the taking effect of this Act, but in such case the time elapsing between the commencement of such action and such reformation of the pleadings and other papers and record entries, shall not be counted as a part of the time provided by law for the limitation of the action.

Sec. 1878. PARTIES NOT TO BE PREJUDICED BY MISTAKES IN PREPARATION OF AUTHENTICATED RECORD.] Whenever, upon the prosecution of any appeal or writ of error after the taking effect of this Act, it shall appear that the authenticated record has been improperly prepared, or is so defective that the appellate court, or supreme court, as the case may be, cannot determine therefrom the right and justice of the case, it shall be the duty of the appellate court, or supreme court, as the case may be, before finally determining the appeal or writ of error, to make such order in the action as may be necessary to enable the parties to procure the filing in such court of a proper authenticated record and, in case such proper authenticated record shall be procured and filed as aforesaid, to determine therefrom the merits of such appeal or writ of error.

Sec. 1879. VALIDITY OF JUDGMENTS, ETC., IN COLLATERAL PROCEEDING.] Every
 2 final order, judgment or decree, when the same appears upon its face to be one
 3 within the power of the court to enter, shall, in any collateral proceeding, be
 4 deemed valid and binding unless the invalidity thereof shall affirmatively ap-
 5 pear from the record. In determining the validity of any such final order,
 6 judgment or decree in a collateral proceeding, the jurisdiction of the court over
 7 the persons of the parties thereto shall be presumed unless the contrary shall
 8 affirmatively appear from the record, and when, in any collateral proceeding,
 9 any such final order, judgment or decree shall recite the jurisdiction of the
 10 court over any party thereto, such recital shall not be held overcome by any
 11 defect in the return of any officer or other proof of service of the summons
 12 or writ, or in any paper pertaining to any notice by publication.

Sec. 1880. TEST OF JURISDICTION IN CASE OF APPEAL—AMENDMENT OF RECORD.]
 2 In case of the prosecution of an appeal or a writ of error, in any action or
 3 proceeding commenced after the taking effect of this Act, to reverse an order,
 4 judgment or decree entered against a party who has not entered his appear-
 5 ance in the action or otherwise submitted himself to the jurisdiction of the
 6 court, no presumption shall be indulged in favor of the jurisdiction of the court
 7 over the person of such party, but the judgment may be reversed upon such
 8 appeal or writ of error unless such jurisdiction shall be made affirmatively to
 9 appear from the proof of the service of the summons or writ or the publication
 10 of the notice in the record: *Provided, however,* that upon the prosecution of any
 11 such appeal or writ of error the court to which such appeal or from which such
 12 writ of error is prosecuted shall, if such jurisdiction does not so affirmatively
 13 appear, permit proof to be made of the proper service of summons or proper
 14 publication of notice, and, upon such proof being made to the satisfaction of
 15 the court, the court shall cause the record to be amended, and thereupon such
 16 order, judgment or decree shall not be reversed on account of any defect in
 17 the record of the court from which the appeal or to which the writ of error is

18 prosecuted in respect to the proof of the proper service of the summons or the
19 proper publication of the notice.

Sec. 1881. RECORD OF APPELLATE COURT.] The record of an appellate
2 court in an action commenced, or the papers and record entries in which have
3 been reformed as hereinbefore provided, after the taking effect of this Act and
4 removed by appeal or writ of error into such appellate court for review shall
5 consist of the authenticated record of the inferior court, the final judgment of
6 the appellate court and the opinion, if any, of the appellate court, together with
7 a report of the proceedings of the appellate court, when the same is necessary
8 to bring before the supreme court for review any order of the appellate court
9 based upon matters not appearing in the authenticated record of the inferior
10 court, which report may be signed by any two of the judges of the appellate
11 court.

Sec. 1882. RECORD OF SUPREME COURT IN CASE OF ORIGINAL JURISDICTION.]
2 The record of the supreme court in an action within its original jurisdiction
3 commenced therein after the taking effect of this Act shall be the same, as near
4 as may be, as the record of a like case in a circuit court.

Sec. 1883. RECORD OF SUPREME COURT UPON APPEAL FROM OR ERROR TO COURT
2 OF ORIGINAL JURISDICTION.] The record of the supreme court in an action com-
3 menced, or the papers and record entries in which have been reformed as here-
4 inbefore provided, after the taking effect of this Act and removed by appeal or
5 writ of error into the supreme court from a court of original jurisdiction for
6 review, shall be the same, as near as may be, as the record of a like case in
7 an appellate court.

Sec. 1884. RECORD OF SUPREME COURT UPON APPEAL FROM OR WRIT OF ERROR
2 TO APPELLATE COURT.] The record of the supreme court, in an action com-
3 menced, or the papers and record entries in which have been reformed as here-
4 inbefore provided, after the taking effect of this Act and removed by appeal

5 or writ of error into the supreme court from an appellate court for review,
 6 shall consist of the authenticated record of the court of original jurisdiction
 7 and the authenticated record of the appellate court in such action, which authen
 8 ticated record of the appellate court shall consist of the final judgment and
 9 the opinion, if any, of the appellate court, together with the report, if any, of
 10 the proceedings signed by any two of the judges of the appellate court.

Sec. 1885. RECORDS OF SUPREME AND APPELLATE COURTS IN OTHER CASES.] The
 2 records of the supreme court and the appellate courts of all actions and pro-
 3 ceedings heretofore determined, and of all actions and proceedings pending
 4 therein at the time of the taking effect of this Act, shall, until otherwise pro-
 5 vided as specified in the succeeding section, consist of the papers and record
 6 entries which, by the laws in force at the time of the taking effect of this Act,
 7 constitute the records thereof.

Sec. 1886. SUPREME COURT TO PRESCRIBE RULES AS TO OTHER PROCEEDINGS.] It
 2 shall be the duty of the supreme court, as soon after the taking effect of this
 3 Act as may be practicable, to prescribe by rule what papers and record entries
 4 shall constitute the records of the supreme court and of the appellate courts
 5 in all actions and proceedings referred to in the preceding section and the man-
 6 ner of making up and certifying the authenticated records in such cases. The
 7 rule provided for in this section may be prescribed by the judges of the su-
 8 preme court either in term time or in vacation.

Sec. 1887. FEDERAL QUESTIONS—HOW PRESERVED.] When a final order, judg-
 2 ment or decree of the supreme court of this State in any action is the result,
 3 in whole or in part, of a decision with respect to which any party to the action
 4 is entitled to a review by means of a writ of error from the supreme court of
 5 the United States, it shall be the duty of the chief justice of the supreme court
 6 of this State, or some other judge of the court thereto duly authorized by the
 7 court, upon application therefor at any time within one year after the entry
 8 of such final order, judgment or decree, to make and sign a certificate setting

9 forth the decision so made and such certificate shall thereupon be filed with
 10 the clerk of the supreme court and shall constitute a part of the record of the
 11 supreme court in such action.

Sec. 1888. ACTIONS, ETC., TO BE NUMBERED.] Every action or proceeding
 2 hereafter commenced in a court of record of original jurisdiction shall be given
 3 a record number, which record number shall not be changed excepting as here-
 4 inafter provided, and no two actions or proceedings in the same court shall
 5 ever be given the same number. The record numbers of actions shall extend
 6 from one (1) to one million (1,000,000). In addition to the record number of
 7 an action or proceeding, it may be given a calendar number upon any written
 8 or printed calendar prepared for the convenience of the court and the officers
 9 thereof, but such calendar number shall not be entered in any manner upon
 10 the record.

Sec. 1889. FUNCTION OF NUMBER.] The record number of an action or
 2 proceeding shall not serve the purpose of indicating the order of its com-
 3 mencement, but shall, together with the classification of the action or proceed-
 4 ing and the title thereof, serve to identify it, and the files and record entries
 5 thereof.

Sec. 1890. PAPER OF UNIFORM SIZE AND QUALITY TO BE USED.] There shall
 2 be used in all the courts of record in this State in the preparation of all
 3 præcipes and statements of claims, appearances and specifications of defenses.
 4 pleadings, summonses, writs, bonds, affidavits, depositions taken within this
 5 State, certificates of administration, guardianship or conservatorship, masters'
 6 reports, administrators', guardians', and conservators' reports, and all other
 7 papers (excepting printed records, briefs, arguments, petitions for rehearing.
 8 and depositions taken without this State), which may be filed in any action or
 9 proceeding, paper of a uniform size and quality to be prescribed, from time
 10 to time, by the supreme court. Until otherwise prescribed by the supreme

11 court said paper shall be of the kind known as linen paper and shall be of
 12 good quality, suitable for use in typewriting machines and the making of car-
 13 bon copies, and shall be thirteen and one-half ($13\frac{1}{2}$) inches in length and
 14 eight and one-half ($8\frac{1}{2}$) inches in width, with three (3) perforations suitable
 15 for the fastening together of all papers filed in each action or proceeding, each
 16 of said perforations to be one-fourth ($\frac{1}{4}$) of an inch in diameter and one to
 17 be in the center five-eighths ($\frac{5}{8}$) of an inch from the top of the page and one
 18 at each side thereof five-eighths ($\frac{5}{8}$) of an inch from the top of the page and
 19 one and one-half ($1\frac{1}{2}$) inches from the side thereof. But the provisions of this
 20 section shall not, until otherwise prescribed by the supreme court, be deemed
 21 to be applicable to tax proceedings, or to special proceedings the procedure in
 22 which is not expressly provided for by this Act.

Sec. 1891. ENTITLING OF PAPERS.] Every paper filed by either party, and
 2 every summons or writ or other paper issued by the clerk, and every bond
 3 executed or recognizance entered into, in any action shall specify the court in
 4 which the action is pending and the title, classification and number thereof. In
 5 the præcipe or other paper filed by the plaintiff for the purpose of commence-
 6 ing his action the title shall contain the names of all the parties, both plaintiff
 7 and defendant. In every paper filed by either party, and in every summons,
 8 writ or other paper issued by the clerk and in every bond executed or recog-
 9 nizance entered into, subsequent to the commencement of the action, when there
 10 is more than one plaintiff, or more than one defendant, the title shall contain
 11 only the names of the first party plaintiff and of the first party defendant with
 12 the usual indication by the letters "et al." that there are additional parties to
 13 the action. At the time of the commencement of the action the clerk shall
 14 enter upon the register and minute book, hereinafter provided for, the names
 15 of all the parties thereto and when any amendment making additional parties,
 16 or any intervener's claim, bill of intervention, intervening petition, supple-
 17 mental bill of complaint or cross-bill of complaint is filed in any action, the

18 clerk shall enter, or otherwise appropriately indicate, the names of all of the
 19 additional parties made by such amendment, or the parties to such intervener's
 20 claim, bill of intervention, intervening petition, supplemental bill of complaint
 21 or cross-bill of complaint, as the case may be, upon the register and minute
 22 book: *Provided, however,* that when the names of the parties to any action as
 23 commenced, or the names of the additional parties made such by subsequent
 24 amendment, or the names of the parties to such intervener's claim, bill of in-
 25 tervention, intervening petition, supplemental bill of complaint or cross-bill of
 26 complaint, as the case may be, are so numerous that they cannot all be con-
 27 veniently entered upon the register and minute book, it shall not be necessary
 28 for the clerk to enter upon the register and minute book more of said names
 29 than may appear to be practicable and sufficient to clearly identify the action,
 30 and in such case the clerk shall enter upon the register and minute book a
 31 memorandum indicating the paper in which the names of all of the parties are
 32 set forth.

Sec. 1892. BLANKS TO BE USED.] It shall be the duty of each court to re-
 2 quire in the transaction of the business of the court, so far as may appear to
 3 be practicable, the use of the printed blank forms distributed by the clerk free
 4 of charge as hereinbefore provided.

Sec. 1893. FLAT FILING SYSTEM—NO WRITING ON BACK—EXCEPTION—FILE
 2 MARK—MARGIN.] When any paper is filed with the clerk it shall under no cir-
 3 cumstances be folded, but the system known as the "flat filing system" shall be
 4 used in all courts of record in all actions and proceedings commenced after the
 5 taking effect of this Act. No paper filed shall contain any endorsement on the
 6 back thereof, but every endorsement authorized or required by this Act to be
 7 made upon any paper shall be made upon the face thereof: *Provided, however,*
 8 that an officer's return, or an affidavit of service, of a summons or writ may be

9 written upon the back thereof when the space upon the front thereof is insuffi
 10 cient for that purpose. The certificate of the clerk of the filing of each paper
 11 shall in all cases be upon the face thereof. All papers filed and all blank
 12 forms used in the business of any court of record shall have a margin of at least
 13 two inches in width on the left hand side thereof upon which there shall be no
 14 other written or printed matter than the clerk's certificate of filing and such
 15 other memoranda as may be required by the rules of the court.

Sec. 1894. CLERK NOT TO FILE PAPER NOT COMPLYING WITH PROVISIONS OF ACT
 2 —STRIKING PAPERS FROM FILES.] The clerk of every court of record shall enforce
 3 strict compliance by parties to actions, or their attorneys, with the require-
 4 ments of the five next preceding sections, and shall not receive for filing any
 5 paper not in compliance therewith. Any person feeling him-self aggrieved by
 6 the refusal of the clerk to receive for filing any paper offered for such filing
 7 may apply to the court for relief therefrom, and the court shall make such
 8 verbal order in the premises as the court may deem proper. Any paper filed
 9 which does not comply with the provisions of said section may be ordered
 10 stricken from the files on motion of any party to the action or by the court of
 11 its own motion.

Sec. 1895. FILING OF PAPERS TO BE REGISTERED.] When any paper is filed
 2 in any action or proceeding a memorandum thereof, descriptive of the charac-
 3 ter of the paper, with the date of the filing of the same, shall be entered in the
 4 register and minute book hereinafter provided for.

Sec. 1896. FILES NOT TO BE TAKEN FROM CLERK'S OFFICE—EXCEPTION.] No
 2 paper filed in any action or proceeding in any court of record shall be taken
 3 from the clerk's office excepting to be taken in charge of the clerk or some
 4 deputy clerk to some court room, or to be delivered to some master in chan-
 5 cery, and, in such case, if the paper be taken to a court room, the clerk or deputy
 6 clerk shall retain the custody or control of the same, or place the same under

7 the control of some other officer of the court, to be returned to its proper place
 8 in the clerk's office when the same is no longer needed in such court room, and,
 9 if the paper be delivered to a master in chancery, it shall be returned by him
 10 to the clerk's office, when the same is no longer needed in his office: *Provided,*
 11 *however,* that upon the bringing of any action, on a penal bond filed in any
 12 action, the same may be removed from the files for the purpose of being used
 13 in the action so brought, but in such case the clerk shall substitute therefor in
 14 the files of the action a certified copy thereof. Any person who shall remove any
 15 paper from the clerk's office, or permit the same to be so removed, in violation of
 16 this section, shall be deemed guilty of a criminal contempt of court and shall be
 17 punished therefor accordingly.

Sec. 1897. COPIES OF PAPERS SERVED TO BE TRUE AND COMPLETE.] Every copy
 2 of a paper served by any party to an action upon any other party thereto shall
 3 be true and complete, including all names signed thereto, and shall contain the
 4 same specifications in this act required with respect to a paper filed, and no party
 5 shall be compelled to accept service of, nor shall any costs be taxed for serving
 6 any paper not a true and complete copy, as aforesaid, and not containing such
 7 specifications.

Sec. 1898. EXTRA COPY OF RECORD.] Any court of record, or the superin-
 2 tending judge thereof, may, by rule or order, require the parties to actions to
 3 file with the clerk of the court, at the time of the filing of any original paper
 4 in such action, a copy thereof and may also require the officer or other person
 5 returning any writ or other paper in any action to return therewith a copy
 6 thereof and of the returns or other endorsements thereon. The copies so re-
 7 quired to be filed shall be kept by the clerk for the use of the court and its
 8 officers and for the inspection of the parties to actions and other persons in
 9 such manner as may be directed by such court or judge, and the same shall be
 10 securely fastened together in the same manner as is provided in the succeeding
 11 section with respect to the original papers.

Sec. 1899. RECORD PAPERS TO BE KEPT FASTENED TOGETHER.] The papers filed
 2 from time to time in any action or proceeding shall be securely fastened to
 3 gether as received by the clerk in the order in which they are so received:
 4 *Provided, however,* that when the papers in any action are numerous or
 5 voluminous they may be divided by the clerk into convenient packages. Every
 6 package of such papers shall be provided with a suitable cover on which shall be
 7 stated the name of the court in which the action or proceeding is pending and
 8 the title, classification and number thereof.

Sec. 1900. COPY OF REGISTER AND MINUTE BOOK TO BE KEPT WITH RECORD
 2 FILES OR COPY THEREOF.] The clerk of each court of record of original jurisdic-
 3 tion shall keep as a part of and fastened together with the files in any action
 4 which, by the terms of this Act, are parts of the record thereof, a correct
 5 transcript of the entries upon the register and minute book: *Provided, however,*
 6 that, when the parties to actions are required to file copies of papers as above
 7 provided for, such copy of the entries upon the register and minute book need
 8 only be kept with such copies of papers so filed.

Sec. 1901. WHEN ORDERS TO BE FILED WITH RECORD PAPERS.] Whenever, in
 2 accordance with the terms of this Act, any order entered in any action, other
 3 than one entered at large in a record book, is required to be written out in full
 4 and signed by the presiding judge, the same shall be filed and kept by the clerk
 5 with the papers filed as aforesaid and constituting a part of the record, and
 6 there shall also be filed and kept by the clerk with such papers the original draft,
 7 if any, signed by the judge, of any order, judgment or decree which, by the
 8 terms of this Act, is required to be entered in full upon the special order book
 9 hereinafter provided for.

Sec. 1902. BOOKS TO BE KEPT BY COURTS OF RECORD IN OTHER THAN INSANITY
 2 AND PROBATE MATTERS.] The clerks of courts of record, for the purpose of re-
 3 cording and preserving the proceedings of their respective courts in other than

4 insanity proceedings and probate matters, shall keep such of the following
5 books as shall be hereinafter directed to be kept by each of them, respectively:

6 *First*--REGISTER AND MINUTE BOOK. | A book to be known as REGISTER AND
7 MINUTE BOOK for the docketing of actions and proceedings and the entry in
8 abbreviated forms, of minutes of papers filed, writs issued and orders entered
9 in each action or proceeding brought in the court, such minutes to be entered
10 in chronological order, and to consist of the names of all of the parties and of
11 their respective attorneys, the number and classification of the action or pro-
12 ceeding, the name of each paper filed or writ issued and the date of such filing
13 or issuing, each order entered and the date when entered, and, if entered by a
14 single judge, the name of the judge by whom entered, and, if the same be of
15 such nature as to be required to be written out in full, the book and page of the
16 SPECIAL ORDER BOOK hereinafter referred to where the same may be found, if
17 the same be entered in such SPECIAL ORDER BOOK, or, if the same be not entered
18 in such SPECIAL ORDER BOOK, a memorandum indicating that the draft of the
19 same is on file with the papers in the action; and for the entry of such other
20 memoranda as the clerk may deem necessary for the information of the officers
21 of the court and the parties to or persons interested in the action, or as may be
22 required by the court. Whenever the number of actions and proceedings
23 brought in any court is such as, in the opinion of the court or of the superintend-
24 ing judge thereof, to render it expedient, in lieu of the REGISTER AND MINUTE
25 BOOK to be used for every action and special proceeding, the clerk may keep for
26 the same purpose the following, or such of them as the court may deem neces-
27 sary:

28 a. A LAW REGISTER AND MINUTE BOOK, for actions at law, other than crimi-
29 nal actions and quasi criminal actions commenced by warrant.

30 b. A CRIMINAL REGISTER AND MINUTE BOOK, for criminal actions, peace
31 proceedings, examination proceedings and search warrant proceedings.

32 c. A QUASI CRIMINAL REGISTER AND MINUTE BOOK, for quasi criminal ac-
33 tions commenced by warrant.

34 *d.* AN EQUITY REGISTER AND MINUTE BOOK, for actions in equity.

35 *e.* A SPECIAL PROCEEDING REGISTER AND MINUTE BOOK, for special proceed-
36 ings.

37 *f.* A SUPPLEMENTARY PROCEEDING REGISTER AND MINUTE BOOK, for supple-
38 mentary proceedings.

39 *Second*—GENERAL ORDER BOOK.] A book to be known as GENERAL ORDER
40 BOOK, in which book there shall be entered all orders of the court of a general
41 nature not entered in any specified action or special proceeding.

42 *Third*—SPECIAL ORDER BOOK.] A book to be known as SPECIAL ORDER BOOK,
43 for the entry of such orders, judgments and decrees, in actions at law, actions
44 in equity and other proceedings, as may be required to be entered therein in full.
45 Whenever the number of cases brought in any court is such as, in the opinion
46 of the court, or of the superintending judge thereof, to render it expedient, in
47 lieu of the SPECIAL ORDER BOOK to be used for every action and proceeding, the
48 clerk may keep for the same purpose the following, or such of them as the
49 court may deem necessary, each of which shall be included within the meaning
50 of the words SPECIAL ORDER BOOK wherever the same may be used in this Act,
51 unless the contrary shall appear from the context:

52 *a.* A LAW ORDER BOOK, for actions at law, other than criminal actions and
53 quasi criminal actions commenced by warrant.

54 *b.* A CRIMINAL ORDER BOOK, for criminal actions, peace proceedings, ex-
55 amination proceedings, and search warrant proceedings.

56 *c.* A QUASI CRIMINAL ORDER BOOK, for quasi criminal actions commenced
57 by warrant.

58 *d.* AN EQUITY ORDER BOOK, for actions in equity.

59 *e.* A SPECIAL PROCEEDING ORDER BOOK, for special proceedings.

60 *f.* A MONEY JUDGMENT BOOK, for money judgments in actions at law, other
61 than attachment actions, attachment of water craft actions, and actions the
62 judgments in which are unusual in form.

- 63 *g.* AN ATTACHMENT JUDGMENT BOOK, for money judgments in attachment
64 actions and attachment of water craft actions.
- 65 *h.* A REPLEVIN JUDGMENT BOOK, for judgments in actions of replevin.
- 66 *i.* A FORCIBLE DETAINER JUDGMENT BOOK., for judgments in actions of for-
67 cible detainer.
- 68 *j.* A CRIMINAL JUDGMENT BOOK, for judgments in criminal actions.
- 69 *k.* A QUASI CRIMINAL JUDGMENT BOOK, for judgments in quasi criminal ac-
70 tions commenced by warrant.
- 71 *l.* A RECOGNIZANCE JUDGMENT BOOK, for the entry of final judgments on
72 recognizances in criminal and quasi criminal actions.
- 73 *m.* A FORECLOSURE DECREE BOOK, for decrees in actions to foreclose mort-
74 gages or other liens.
- 75 *n.* A PARTITION DECREE BOOK, for decrees in actions to partition real es-
76 tate.
- 77 *o.* A DIVORCE DECREE BOOK, for decrees in actions of divorce.
- 78 *p.* A SEPARATE MAINTENANCE BOOK, for decrees in actions for separate
79 maintenance.
- 80 *q.* A MISCELLANEOUS DECREE BOOK, for decrees in actions not included
81 within those for which a special decree book is kept.
- 82 *r.* A SUPPLEMENTARY PROCEEDING ORDER BOOK, for orders and decrees in
83 supplementary proceedings.
- 84 *Fourth—JUDGMENT AND EXECUTION DOCKET.]* A book to be known as JUDG-
85 MENT AND EXECUTION DOCKET, in which every final order, judgment or decree for
86 the payment of money when the amount required thereby to be paid, exclusive
87 of interest and costs, exceeds one thousand dollars (\$1,000) and when the same
88 remains unsatisfied for the period of two (2) days after the entry thereof, shall
89 be minuted at the expiration of two (2) days after the entry thereof in its
90 alphabetical order by the name of every person against whom the judgment or
91 order is entered, showing, in the proper column ruled for that purpose, the

92 names of the parties, the date, nature of the judgment or order, the amount of
 93 damages and costs, in separate items, for which the execution is issued, to
 94 whom such execution is issued, when the same is returned and the manner of its
 95 execution, and a blank column shall be kept in which may be entered a note of
 96 the satisfaction or other disposition of the judgment or order, and when, if at
 97 all, satisfied by execution or otherwise, or set aside or enjoined, and the clerk
 98 shall enter a minute thereof in such column showing how disposed of, and the
 99 date and the book and page where the evidence thereof is found.

100 *Fifth—FEE BOOK.]* A book to be known as FEE BOOK, in which shall be dis-
 101 tinctly set down in items the proper title, classification and number of the ac-
 102 tion, the costs of each action, including clerk's, sheriff's, coroner's, bailiff's,
 103 witnesses' and other fees, stating the name of each witness having claimed
 104 his attendance with the number of days' attendance. It shall not be necessary
 105 to insert the costs in any judgment or decree, but whenever an action is de-
 106 termined and final judgment entered the costs of each party litigant shall be
 107 made up in the manner hereinafter provided and entered in such fee book,
 108 which shall be considered a part of the record and judgment, subject, however,
 109 at all times to be corrected by the court; and the prevailing party shall be con-
 110 sidered as having recovered judgment for the amount of the costs so taxed in
 111 his favor and the same shall be included in the execution issued upon such judg-
 112 ment or decree.

113 *Sixth—INDEX.]* A book to be known as INDEX, in which shall be entered the
 114 names of all plaintiffs in actions and proceedings and the names of all defend-
 115 ants to actions and proceedings in such court with references to the register and
 116 minute books containing the minutes of the proceedings pertaining to the
 117 same.

118 *Seventh—OTHER BOOKS.]* Such other books as may, from time to time, be
 119 required by law or by rules adopted by the said respective courts, or by the su-
 120 preme court, not inconsistent with law.

Sec. 1903. REGISTER AND MINUTE BOOK—SIZE, BINDING, ETC.] The register and minute book shall be ten and one-half ($10\frac{1}{2}$) inches in width by sixteen (16) inches in length; the paper thereof shall be of the kind known as twenty-eight (28) Demy-Weston's; the binding shall be three-quarter Russian with ten (10) ounce canvas covers and Quincy patent flat opening. Each book shall contain five hundred (500) pages and each page shall be ruled for the entering of the minutes of two actions or proceedings, the actions to be numbered consecutively: *Provided, however*, that when the entries in any proceeding shall occupy more than one-half page the entries in excess of such one-half page may be carried forward to a subsequent one-half page of such register and minute book, or of some subsequent volume thereof, and in such case the page from which the transfer is made shall contain a memorandum of the page, or book and page, to which such transfer is made and the page to which such transfer is made shall contain a memorandum of the page, or book and page, from which such transfer is made. Each book shall be lettered on the back and one side thereof in such manner as may appropriately indicate the court to which the same belongs, the name of the book, its volume number and the numbers of the actions or proceedings, the minutes of which are contained therein. The ruling and lettering of the space of each page devoted to the minutes of a single action shall be substantially as hereinafter indicated.

Sec. 1904. SIZE, FORM, ETC., OF OTHER RECORD BOOKS.] The special order book hereinbefore provided for shall be uniform in size, binding and paper with the register and minute book, with appropriate lettering on the back and one side thereof, and the pages thereof shall be appropriately ruled and lettered. For the purpose of securing uniformity in all the courts in this State, it shall be the duty of the attorney general to prescribe all rules with respect to the form or other particulars of record books of courts of record which are not sufficiently prescribed by this Act.

Sec. 1905. KINDS OF BOOKS TO BE KEPT BY EACH CLERK.] Of the books pro-

vided for in the three preceding sections the clerks of said courts shall keep respectively the following, together with such other books as may, from time to time, be required by law or by rules adopted by the said respective courts, or by the supreme court, not inconsistent with law:

First—CLERKS OF SUPREME AND APPELLATE COURTS.] The clerk of the supreme court and the clerk of each appellate court shall keep the REGISTER AND MINUTE BOOK, GENERAL ORDER BOOK, SPECIAL ORDER BOOK, and INDEX.

Second—CLERKS OF CIRCUIT, SUPERIOR AND CITY COURTS.] Each clerk of the circuit court, the clerk of the superior court of Cook county and each clerk of a city court shall keep the REGISTER AND MINUTE BOOK, GENERAL ORDER BOOK, SPECIAL ORDER BOOK, JUDGMENT AND EXECUTION DOCKET, FEE BOOK and INDEX.

Third—CLERK OF COUNTY COURT.] Each clerk of a county court shall keep the REGISTER AND MINUTE BOOK, GENERAL ORDER BOOK, SPECIAL ORDER BOOK, JUDGMENT AND EXECUTION DOCKET, FEE BOOK AND INDEX.

Fourth—CLERK OF CRIMINAL COURT OF COOK COUNTY.] The clerk of the criminal court of Cook county shall keep the REGISTER AND MINUTE BOOK, GENERAL ORDER BOOK, SPECIAL ORDER BOOK, JUDGMENT AND EXECUTION DOCKET, FEE BOOK and INDEX.

Sec. 1906. BOOKS FOR INSANITY PROCEEDING.] Clerks of county courts, for

the purpose of recording and preserving the proceedings of their respective courts in insanity proceeding, shall keep a book to be known as INSANITY REGISTER AND MINUTE BOOK for the docketing of insanity proceedings and the entry, in abbreviated forms, of minutes of papers filed, writs issued and orders entered in each such proceeding brought in the court, such minutes to be entered in chronological order and to consist of the name of the person with respect to whom the proceeding is brought, the number and classification of the proceeding, the name

9 of each paper filed or writ issued and the date of such filing or issuing; each
 10 order entered and the date when entered, and, if entered by a judge other than
 11 the county judge of such county, the name of the judge by whom entered, and, if
 12 the same be an order written out in full and signed by the judge, a memoran-
 13 dum indicating that the draft of the same is on file with the papers in the pro-
 14 ceeding; and for the entry of such other memoranda as the clerk may deem
 15 necessary for the information of the officers of the court and the parties to or
 16 persons interested in the proceedings, or as may be required by the court. No
 17 order entered in any such proceeding shall be entered in any other book than
 18 such register and minute book and every such order shall be entered in an
 19 abbreviated form in the manner hereinafter prescribed: *Provided, however,*
 20 that when any order is entered in any such proceeding which cannot be con-
 21 veniently and accurately expressed in an abbreviated form, the same may be
 22 written out in full and signed by the judge and filed with the papers in the
 23 proceeding and a memorandum may be entered in the register and minute book
 24 indicating that a draft of the same has been so placed on file.

Sec. 1907. SIZE, BINDING, ETC., OF INSANITY REGISTER AND MINUTE BOOK.]

2 The insanity register and minute book provided for in the preceding section
 3 shall be of such size as to contain on each page thereof a space seven and three-
 4 quarters ($7\frac{3}{4}$) inches wide by twelve (12) inches in length for the making of
 5 entries and shall contain such number of pages, not less than one hundred
 6 (100) nor more than five hundred (500), as may be determined by the court
 7 the minutes of which are to be kept therein, and one page thereof shall be de-
 8 voted to the minutes of each proceeding: *Provided, however,* that when the
 9 entries in any proceeding shall occupy more than one full page, the entries in
 10 excess of such page may be carried forward to a subsequent page of such reg-
 11 ister and minute book, and in such case the page from which the transfer is
 12 made shall contain a memorandum of the page to which such transfer is made.
 13 and the page to which such transfer is made, shall contain a memorandum of

14 the page from which such transfer is made. Each page of such register and
 15 minute book shall be ruled and lettered in substantially the manner hereinafter
 16 indicated, and each book shall be lettered on the back and one side thereof in
 17 such manner as may appropriately indicate the court to which the same belongs,
 18 the name of the book, its volume number and the numbers of the proceedings
 19 the minutes of which are contained therein.

Sec. 1908. BOOKS FOR PROBATE MATTERS.] Clerks of county courts in
 2 counties in which there are no probate courts established, and clerks of pro-
 3 bate courts, for the purpose of recording and preserving the proceedings of
 4 their respective courts in probate matters, shall keep the following books:

5 *First*—PROBATE REGISTER AND MINUTE BOOK.] A book to be known as PRO-
 6 BATE REGISTER AND MINUTE BOOK, for the docketing of probate proceedings and
 7 the entry in abbreviated forms of minutes of papers filed, writs issued and
 8 orders entered, in chronological order, and to consist of the name of the per-
 9 son whose estate is administered upon, or the name of the person with re-
 10 spect to whom a guardianship, a conservatorship or an apprenticeship proceed-
 11 ing is brought, the number and classification of the proceeding, the name of
 12 each paper filed or writ issued and the date of such filing or issuance; each
 13 order entered and the date when entered, and, if entered by a judge other
 14 than the county judge or judge of the probate court, as the case may be, of
 15 such county, the name of the judge by whom entered, and if the same be of
 16 such nature as to be required to be written out in full the book and page of
 17 the PROBATE SPECIAL ORDER BOOK, hereinafter provided for, where the same may
 18 be found, if the same be entered in such PROBATE SPECIAL ORDER BOOK, or if the
 19 same be not entered in such PROBATE SPECIAL ORDER BOOK, a memorandum indi-
 20 cating that the draft of the same is on file with the papers in the proceeding;
 21 and for the entry of such other memoranda as the clerk may deem necessary for
 22 the information of the officers of the court and the parties to or persons in-

23 terested in the proceeding, or as may be required by the court. The size,
 24 paper and binding of the PROBATE REGISTER AND MINUTE BOOK, and the number
 25 of pages contained therein shall be the same, as near as may be, as is herein-
 26 before provided for the register and minute book for the docketing of other
 27 actions and proceedings, but one entire page shall be set apart for the enter-
 28 ing of the minutes of one proceeding, the proceedings to be numbered consec-
 29 utively and the ruling and lettering of each page shall be substantially as here-
 30 inafter indicated: *Provided, however,* that when the entries in any proceeding
 31 shall occupy more than one full page, the entries in excess of such page may
 32 be carried forward to a subsequent page of such register and minute book, or
 33 of some subsequent volume thereof, and in such case the page from which the
 34 transfer is made shall contain a memorandum of the page, or book and page,
 35 to which such transfer is made and the page to which such transfer is made
 36 shall contain a memorandum of the page, or book and page, from which such
 37 transfer is made. Whenever the number of probate proceedings brought in
 38 any court is such as, in the opinion of the court, to render it expedient, in lieu
 39 of the PROBATE REGISTER AND MINUTE BOOK, to be used for all probate proceed-
 40 ings, the clerk may keep for the same purpose the following, or such of them
 41 as the court may deem necessary:

42 a. AN ADMINISTRATION REGISTER AND MINUTE BOOK, for administration pro-
 43 ceedings.

44 b. A GUARDIANSHIP REGISTER AND MINUTE BOOK, for guardianship proceed-
 45 ings.

46 c. A CONSERVATORSHIP REGISTER AND MINUTE BOOK, for conservatorship pro-
 47 ceedings.

48 d. AN APPRENTICESHIP REGISTER AND MINUTE BOOK, for apprenticeship pro-
 49 ceedings.

50 *Second-* SPECIAL REGISTER AND MINUTE BOOK.] A book to be known as SPE-
 51 CIAL REGISTER AND MINUTE BOOK, for the docketing of proceedings for the sale of

52 real estate to pay debts, proceedings in equity, actions of contempt, and other
53 special proceedings, which cannot conveniently be entered in the PROBATE REG-
54 ISTER AND MINUTE BOOK, above provided for, and the entry, in abbreviated forms,
55 of minutes of papers filed, writs issued and orders entered in each proceeding
56 brought in the court and entered in such SPECIAL REGISTER AND MINUTE BOOK,
57 such minutes to be entered in chronological order and to consist of the names
58 of all of the parties and of their respective attorneys, if any, and the number
59 and classification of the proceeding, the name of each paper filed or writ issued,
60 and the date of such filing or issuing, each order entered and the date when
61 entered, and, if entered by a judge other than the county judge or judge of
62 the probate court, as the case may be, of such county, the name of the judge
63 by whom entered, and, if the same be of such nature as to be required to be
64 written out in full, the book and page of the PROBATE SPECIAL ORDER BOOK,
65 hereinafter referred to where the same may be found, if the same be entered in
66 such PROBATE SPECIAL ORDER BOOK, or if the same be not entered in such PROBATE
67 SPECIAL ORDER BOOK, a memorandum indicating that the draft of the same is on
68 file with the papers in the proceeding and for the entry of such other memo-
69 randa as the clerk may deem necessary for the information of the officers of
70 the court and the parties to or persons interested in the proceeding, or as
71 may be required by the court. The size, paper and binding of the SPECIAL
72 REGISTER AND MINUTE BOOK, shall be the same, as near as may be, as is herein-
73 before provided for the register and minute book for the docketing of other
74 actions and proceedings and each page shall be ruled for the entering of the
75 minutes of two actions or proceedings, such actions or proceedings to be
76 numbered consecutively, and the same rules for the making of entries therein
77 shall be applied as are hereinbefore prescribed for the making of entries in the
78 register and minute book, but the number of pages in each book shall be such
79 as may be determined by the court in which the same is used.

80 *Third*—PROBATE SPECIAL ORDER BOOK.] A book to be known as PROBATE
81 SPECIAL ORDER BOOK, for the entry of such orders, judgments and decrees in
82 probate matters as may be required to be entered therein in full.

83 *Fourth*—ESTATE CLAIM REGISTER AND CLAIMANT'S CLAIM REGISTER.] Books
84 to be known as ESTATE CLAIM REGISTER and CLAIMANT'S CLAIM REGISTER, in
85 which shall be entered memoranda as to each claim filed in such county or pro-
86 bate court against the estate of any deceased person being administered there-
87 in, which memoranda shall consist of the name of the estate against which the
88 claim is filed, the name of the claimant, the amount of the claim, the date of
89 the filing of the same, the allowance of the same, with the amount allowed, or
90 the disallowance of the same, with the date of such allowance or disallowance.
91 In the ESTATE CLAIM REGISTER, the names of the estates and, in the CLAIMANTS'
92 CLAIM REGISTER, the names of the claimants, shall be arranged alphabetically.

93 *Fifth*—PROBATE FEE BOOK.] A book to be known as PROBATE FEE BOOK,
94 in which shall be distinctly set down in items the proper title, classification
95 and number of the proceeding, the costs of each proceeding, including clerk's,
96 sheriff's, coroner's, bailiff's, witnesses' and other fees, and memoranda showing
97 the dates and amounts of fees paid to and received by the clerk.

98 *Sixth*—PROBATE INDEX.] A book to be known as PROBATE INDEX, in which
99 shall be entered the names of all persons whose estates are administered upon
100 in such court or with respect to whom guardianship, conservatorship or ap-
101 prenticeship proceedings are instituted, with suitable references to the books
102 containing the minutes of the proceedings pertaining to the same.

103 *Seventh*—OTHER BOOKS.] Such other books as may, from time to time, be
104 required by law or by the rules adopted by said county courts or probate
105 courts, or by the supreme court, not inconsistent with law.

Sec. 1909. HOW ORDERS, JUDGMENTS AND DECREES MAY BE ENTERED.] Orders,
2 judgments and decrees may be entered in the record books of the proper court

3 either by being written out in full therein, or by the use of the abbreviated
 4 forms prescribed by this Act. Orders, judgments and decrees which are written
 5 out in full in the record books shall be entered in the appropriate special order
 6 book hereinbefore provided for and minutes thereof in abbreviated forms, to-
 7 gether with references to the books and pages of the special order book in which
 8 they are written out in full, shall be entered in the appropriate register and
 9 minute book. An order, judgment or decree which is written out in full, but
 10 is not required to be entered in full upon any record book, shall be filed with the
 11 papers constituting a part of the record in the action, and a minute thereof
 12 shall be entered in the register and minute book, which minute, in addition to
 13 the date and name of the judge by whom entered, may be in substantially the
 14 following form: "Order for (here state general nature of order). See draft
 15 on file." When any order, judgment or decree is entered which is required to
 16 be written out in full in a record book, the minute thereof in the register and
 17 minute book shall indicate the record book and page thereof in which the same
 18 is to be found written out in full, and if the same be one a draft of which is
 19 signed by the judge such draft shall be filed and kept with the papers consti-
 20 tuting a part of the record in the action. The minute of the entry of an order
 21 in the record book shall indicate the record book as follows:

22 SPECIAL ORDER BOOK by "S. O. B."

23 LAW ORDER BOOK by "L. O. B."

24 CRIMINAL ORDER BOOK by "Cr. O. B."

25 QUASI CRIMINAL ORDER BOOK by "Q. Cr. O. B."

26 EQUITY ORDER BOOK by "Eq. O. B."

27 SPECIAL PROCEEDING BOOK by "Sp. Pro. B."

28 MONEY JUDGMENT BOOK by "M. J. B."

29 ATTACHMENT JUDGMENT BOOK by "Att. J. B."

- 30 REPLEVIN JUDGMENT BOOK by "Repl. J. B."
- 31 FORCIBLE DETAINER JUDGMENT BOOK by "F. D. J. B."
- 32 CRIMINAL JUDGMENT BOOK by "Cr. J. B."
- 33 QUASI CRIMINAL JUDGMENT BOOK by "Q. Cr. J. B."
- 34 RECOGNIZANCE JUDGMENT BOOK by "Rec. J. B."
- 35 FORECLOSURE DECREE BOOK by "Forec. D. B."
- 36 PARTITION DECREE BOOK by "Part. D. B."
- 37 DIVORCE DECREE BOOK by "Div. D. B."
- 38 SEPARATE MAINTENANCE DECREE BOOK by "Div. D. B."
- 39 MISCELLANEOUS DECREE BOOK by "Mis. D. B."
- 40 SUPPLEMENTARY PROCEEDING ORDER BOOK by "Sup. Pr. O. B."
- 41 PROBATE SPECIAL ORDER BOOK by "Pr. S. O. B."

Sec. 1910. WHAT ORDERS, JUDGMENTS AND DECREES, IN OTHER THAN INSANITY

2 AND PROBATE MATTERS, TO BE ENTERED ON RECORD BOOKS IN FULL.] The following
 3 orders, judgments and decrees in actions and proceedings, other than insanity
 4 proceedings and probate matters, shall be entered upon the special order book
 5 of the court by being written out in full:

6 *First*—FINAL ORDER, ETC., FOR MONEY OR PROPERTY—EXCEPTION.] Every final
 7 order or judgment for the recovery, payment or delivery of possession of,
 8 money, personal property or real estate, entered in an action at law, supple-
 9 mentary proceeding or special proceeding, excepting when the same is a judg-
 10 ment for money only and the amount thereof, exclusive of costs, does
 11 not exceed one thousand dollars (\$1,000): *Provided, however,* that no judg-
 12 ment for the recovery of money only shall be entered upon the special order
 13 book by being written out in full when the same is satisfied within two (2)
 14 days after the rendition thereof. When any such final order or judgment is so
 15 unusual in form that the purport and legal effect thereof cannot be accurately
 16 expressed in an abbreviated form upon the register and minute book, a draft

thereof shall also be made and shall be signed by the judge and shall be filed and kept with the papers constituting the record of the action.

Second—FINAL ORDERS, ETC., FOR PERFORMANCE OF ACT.] Every final order or judgment in any action at law requiring the performance by a party to the action of some act, other than one specified in the preceding clause of this section, for the benefit of another party to the action.

Third—OTHER FINAL ORDER, ETC., NOT CONVENIENTLY ABBREVIATED.] Every other final order or judgment in an action at law, supplementary proceeding or special proceeding, not mentioned in the two preceding clauses of this section, when the same cannot be conveniently and accurately entered upon the register and minute book in an abbreviated form.

Fourth—FINAL ORDER, ETC., IN EQUITY—EXCEPTIONS.] Every final order or decree in an action in equity, other than an order dismissing a bill of complaint for want of equity, or want of prosecution, or without prejudice, or upon the application of the plaintiff in such bill of complaint, or by agreement of the parties, or where the same is a decree for money only and the amount thereof, exclusive of interest and costs, does not exceed one thousand dollars (\$1,000). When any such final order or decree is required to be entered in full in the special order book, a draft thereof shall also be made and shall be signed by the judge and shall be filed and kept with the papers constituting the record of the action.

Fifth—ORDER RECITING VERDICT OF GUILTY IN CRIMINAL ACTION—NAMES OF JURORS TO BE OMITTED.] Every order reciting the rendering of a verdict of guilty in a criminal action when the punishment is death or confinement in the penitentiary, either with or without fine; but it shall not be necessary in any such order to recite the names of the jurors or to otherwise enter the names of the jurors upon the record. Whenever the names of the jurors in any action may appear to be material to the preservation of the rights of the defendant upon appeal or writ of error, the same may be preserved in the report of the proceedings settled and signed by the judge.

46 *Sixth*—SENTENCE OF DEATH OR IMPRISONMENT IN CRIMINAL ACTION.] Every
 47 final judgment in a criminal action sentencing a defendant to death or to im-
 48 prisonment either with or without fine.

49 *Seventh*—SENTENCE OF FINE IN CRIMINAL ACTION WHEN UNPAID.] Every
 50 final judgment in a criminal action sentencing a defendant to the payment of a
 51 fine, when such fine is not paid before the commitment of the defendant to the
 52 county jail, house of correction or workhouse.

53 *Eighth*—FINAL ORDER OF IMPRISONMENT IN CONTEMPT ACTION.] Every final
 54 order sentencing a defendant to imprisonment, either with or without fine, in
 55 an action of contempt.

56 *Ninth*—FINAL ORDER OF FINE IN CONTEMPT ACTION.] Every final order in an
 57 action of contempt sentencing a defendant to the payment of a fine, when such
 58 fine is not paid before the commitment of the defendant to the county jail,
 59 house of correction or workhouse.

60 *Tenth*—FINAL JUDGMENT AGAINST DEFENDANT IN MUNICIPAL ORDINANCE AC-
 61 TION.] Every final judgment against a defendant in a quasi criminal action
 62 brought to recover a fine or penalty for the violation of a municipal ordinance,
 63 when the same is not satisfied before the commitment of the defendant to the
 64 county jail, house of correction or workhouse.

Sec. 1911. WHAT ORDERS, JUDGMENTS AND DECREES IN PROBATE MATTERS TO BE
 2 ENTERED ON RECORD BOOKS IN FULL.] The following orders, judgments and decrees
 3 in probate matters shall be entered upon the probate special order book by be-
 4 ing written out in full:

5 *First*—ALLOWANCE OR DISALLOWANCE OF WILL TO PROBATE.] A final order al-
 6 lowing or disallowing any will to probate.

7 *Second*—FINAL ORDER OR DECREE IN PROCEEDING FOR SALE OF REAL ESTATE OR
 8 EQUITY PROCEEDING.] A final order or decree in a proceeding for the sale of
 9 real estate for the payment of debts, or in any other proceeding in equity within
 10 the jurisdiction of a probate court, other than a final order or decree dismissing

11 a bill of complaint or petition for want of equity, or want of prosecution, or
 12 without prejudice, or upon the application of the plaintiff in such bill of com-
 13 plaint, or by agreement of the parties. When any such final order or decree is re-
 14 quired to be entered in full in the probate special order book, a draft thereof
 15 shall also be made and shall be signed by the judge and shall be filed and kept
 16 with the papers constituting the record of the proceeding.

17 *Third*—FINAL ORDER FOR PAYMENT OR DISTRIBUTION.] A final order or decree
 18 for the payment or distribution of money or personal property, when the same
 19 can not be conveniently and accurately expressed in an abbreviated form, in the
 20 probate register and minute book.

21 *Fourth*—OTHER FINAL ORDERS AND DECREES.] Any final order or decree not
 22 included within those specified in the preceding clauses of this section, when
 23 the same can not be conveniently and accurately expressed in an abbreviated
 24 form in the probate register and minute book.

Sec. 1912. WHAT ORDERS AND DOCUMENTS NOT TO BE ENTERED IN FULL ON
 2 RECORD BOOKS.] The following orders and documents, if entered at all upon the
 3 record books of a court of record, shall be entered by the use of abbreviated
 4 forms and upon the register and minute book only.

5 *First*—MOTION, ETC.] An order reciting the entry of any motion or the mak-
 6 ing of any application

7 *Second*—POSTPONEMENTS.] An order postponing the trial or hearing of an
 8 action or proceeding.

9 *Third*—EXTENSION OF TIME FOR FILING PAPER.] An order extending the time
 10 for filing an entry of appearance, specification of defense or defenses, plea,
 11 answer or other pleading, an authenticated record, printed record or abstract
 12 thereof, a printed brief or argument, a petition for a rehearing or other paper,
 13 record or document.

14 *Fourth*—EXTENSION OF TIME TO COMPLY WITH RULE.] An order extending
 15 the time within which a party is required to comply with any rule which may
 16 be laid upon him.

17 *Fifth*—DEFAULT—EXCEPTION.] An order reciting a default of any defendant,
 18 excepting when such order is embodied in a final order, judgment or decree
 19 required by this Act to be written out in full and entered in the special order
 20 book.

21 *Sixth*—GRANTING OR REFUSING LEAVE TO AMEND.] An order granting or re-
 22 fusing leave to amend any pleading, process, return or other paper or record
 23 entry.

24 *Seventh*—SUSTAINING OR OVERRULING DEMURRER OR EXCEPTIONS.] An order sus-
 25 taining or overruling exceptions or a demurrer to any pleading.

26 *Eighth*—EXTENDING TIME FOR TENDERING REPORT OF PROCEEDINGS.] An order
 27 extending the time for tendering to a judge a report of the proceedings for settle-
 28 ment and signature.

29 *Ninth*—AS TO NEW TRIAL.¹ An order granting or denying a new trial in any
 30 action.

31 *Tenth*—APPROVAL OF BOND.] An order approving any bond.

32 *Eleventh*—VACATING PREVIOUS ORDER, ETC.] An order vacating any previous
 33 order, judgment or decree, when not coupled with a new order, judgment or de-
 34 cree, required by the preceding sections to be written out in full and entered
 35 in the special order book. When any order, judgment or decree written out in
 36 full in the special order book is vacated, the clerk shall note in the margin the
 37 vacation thereof and the date of such vacation.

38 *Twelfth*—EMPANELLING JURY.] An order reciting the empanelling of a jury.
 39 When such order is entered in an abbreviated form the names of the jurors
 40 shall be omitted.

41 *Thirteenth*—DISAGREEMENT, ETC., OF JURY.] An order reciting a disagree-
 42 ment and discharge of a jury.

43 *Fourteenth*—AS TO STAY OF PROCEEDINGS.] An order granting, or refusing,
 44 or vacating, a stay of proceedings.

45 *Fifteenth*—AS TO MOTION TO QUASH.] An order granting or overruling a
 46 motion to quash any summons, writ, return or proof of service, indictment, infor-
 47 mation, complaint or execution.

48 *Sixteenth*—RETURN OF INDICTMENT.] An order reciting the return of an in-
 49 dictment into court, or the granting of leave to file an information.

50 *Seventeenth*—AS TO CHANGE OF VENUE.¹ An order granting or denying an
 51 application for a change of venue.

52 *Eighteenth*—OTHER INTERLOCUTORY ORDER.] Any other interlocutory order.

53 *Nineteenth*—FINAL ORDER, ETC.] Any final order not required by the pre-
 54 ceding section to be entered upon the special order book in full.

55 *Twentieth*—BOND, CERTIFICATE, INFORMATION, ETC.] Any bond, certificate of
 56 deposit, certificate of administration, guardianship or conservatorship, inven-
 57 tory, report of administrator, executor, guardian, conservator or other officer
 58 provided for by this Act, other than an official bond or report of a clerk of a
 59 court, sheriff, official receiver, master in chancery, official stenographer, or any
 60 deputy or assistant of any such public officer.

Sec. 1913. CERTAIN MEMORANDA NOT TO BE ENTERED.] No entry shall be made
 2 in the register and minute book or special order book of any memorandum of
 3 any order or portion of an order reciting either of the following matters:

4 *First*—CALLING OF DEFENDANT.] That any defendant before the entry of a de-
 5 fault against him was called solemnly or otherwise in open court.

6 *Second*—PARTICULARS AS TO SERVICE OF PROCESS OR PUBLICATION OF NOTICE.] The
 7 particulars pertaining to the service of any process or notice upon any party to

8 the action, or the particulars pertaining to the publication of notice to any
9 defendant.

10 *Third*—PRESENCE OF PARTIES.] The coming into court of the parties, either in
11 their own proper persons or by their attorneys, or both, or the presence of the
12 parties, in their own proper persons or by their respective attorneys, or both, at
13 the time of the entry of any order in the action, or during the progress of the
14 proceedings of the court connected with such order.

15 *Fourth*—NAMES OF ATTORNEYS.] The names of the attorneys of the respective
16 parties.

17 *Fifth*—MOTION, ETC., OF PARTY BY ATTORNEY.] The fact that a motion is
18 made or other proceeding had by a party by his attorney.

19 *Sixth*—SETTING ACTION FOR TRIAL, ETC.] The setting of the action for trial
20 or hearing upon a particular day.

21 *Seventh*—PLACING ACTION ON OR STRIKING SAME FROM CALENDAR.] The placing
22 of the action upon or striking the same from a trial or hearing calendar.

23 *Eighth*—POSTPONEMENT OF TRIAL, ETC.] The postponing of the trial or hear-
24 ing of the action or of any matter pertaining thereto.

25 *Ninth*—ARGUMENTS.] The making of arguments on behalf of the respective
26 parties.

27 *Tenth*—TAKING UNDER ADVISEMENT.] The taking by the court of any matter
28 under advisement.

29 *Eleventh*—COURT DULY ADVISED.] The fact that the court is duly or fully ad-
30 vised in the premises.

31 *Twelfth*—EVIDENCE HEARD.] The hearing of evidence.

32 *Thirteenth*—INSTRUCTIONS.] The delivery by the court of instructions to
33 the jury.

34 *Fourteenth*—SWEARING OF JURY.] The swearing of the jury, either for their
35 examination as to their competency or for the trial of the issues.

36 *Fifteenth*—RETIREMENT OF JURY.] The retirement of the jury to consider
37 of their verdict.

38 *Sixteenth*—RETURN OF JURY FOR FURTHER INSTRUCTIONS.] The return of the
39 jury into court for further instructions.

40 *Seventeenth*—RETURN OF JURY TO REPORT VERDICT, ETC.] The return of the
41 jury into court to report their verdict or disagreement.

42 *Eighteenth*—COMMENCEMENT OF TRIAL, OR POSTPONEMENT FROM DAY TO DAY.]
43 The commencement of a trial or hearing, whether by jury or otherwise, or the
44 subsequent postponement of such trial or hearing from day to day during the
45 progress and until the termination thereof.

46 *Nineteenth*—FURNISHING DEFENDANT COPY OF INDICTMENT, ETC.] The furnish-
47 ing to the defendant in a criminal action of a copy of the indictment, informa-
48 tion or complaint, a list of the witnesses, or a list of the jurors.

49 *Twentieth*—READING OF INDICTMENT, ETC.] The reading of any indictment,
50 information or complaint to the defendant.

51 *Twenty-first*—INFORMING DEFENDANT OF CONSEQUENCES, ETC.] The informing
52 of a defendant in a criminal action of the consequences of a plea of guilty prior
53 to the entry of such plea.

54 *Twenty-second*—CALLING UPON DEFENDANT TO GIVE REASON, ETC.] The calling
55 upon a defendant in a criminal action to give a reason, if any he have, why
56 sentence should not be pronounced upon him.

57 *Twenty-third*—OTHER UNNECESSARY MATTERS.] Any other matter the recital
58 of which is not necessary to an understanding of the decision made by the court
59 upon a question of law or fact involved in the action.

Sec. 1914. PRESUMPTIONS OF REGULARITY.] In every action, whether civil,
2 quasi criminal or criminal, in the absence of any showing in the record to the
3 contrary, it shall be conclusively presumed that the court, in its proceedings
4 pertaining to such action, fully heard the allegations and proofs of the respec-
5 tive parties, together with the arguments of themselves or of their counsel,
6 and duly considered the same; that no proceeding in the action was had by the
7 court in the absence of any party thereto, when the presence of such party was
8 required by law, and that all of the formalities made by law essential to the
9 validity of the judgment of the court were fully complied with. In case of the
10 failure of the court in any action to observe any formality required by law such
11 failure shall, at the demand of any party to the action, be preserved in a report
12 of the proceedings to be settled and signed by the judge in the manner pre-
13 scribed by this Act, which report of the proceedings, when settled and signed
14 as aforesaid, shall constitute a part of the record of the action. Nothing herein
15 contained shall be construed as authorizing any court to dispense with any for-
16 mality in any action, civil, quasi criminal or criminal, which is essential to the
17 regularity or validity of its proceedings, the intent hereof being, not to au-
18 thorize any such formality to be dispensed with, but merely to avoid encum-
19 bering the records of courts of record with unnecessary matters.

Sec. 1915. INTERLOCUTORY ORDERS OF UNUSUAL FORM.] Whenever any inter-
2 locutory order, judgment or decree is of such nature that the same can not be
3 expressed with sufficient accuracy by the use of the abbreviated forms pre-
4 scribed by this Act, the same shall be written out in full and shall be signed by
5 the judge and filed by the clerk with the papers constituting a part of the record
6 of the action. The party in whose favor such order is entered shall prepare, or
7 cause to be prepared, a typewritten draft thereof to be signed by the judge and
8 filed as above provided, together with a carbon copy thereof to be retained by

9 such party and an additional carbon copy thereof to be delivered to each of the
 10 other parties, or groups of parties, to the action who shall have entered separate
 11 appearances. The clerk, at the request of the party preparing any such order,
 12 judgment or decree, shall cause the draft thereof, together with the required
 13 number of carbon copies thereof, to be typewritten, the fees therefor to be as
 14 hereinafter prescribed.

Sec. 1916. RULES AS TO ORDERS, ETC., ENTERED UPON RECORD OR WRITTEN OUT
 2 IN FULL TO BE SPECIFIED IN SUCCEEDING SECTIONS.] With respect to the entry of
 3 orders, judgments and decrees which are required by this Act to be written out
 4 in full and entered upon the special order book, or which may be written out in
 5 full and filed with the papers constituting a part of the record of the action, as
 6 hereinbefore provided, the rules specified in the twelve (12) succeeding sections
 7 shall prevail.

Sec. 1917. ENTITLING, DATE, NAME OF JUDGE, ETC.] Every such order, judgment
 2 or decree shall specify the court in which the action is pending, the names
 3 of the parties thereto and the classification, number and date of the entry thereof
 4 and if entered in a court other than the supreme court or an appellate court,
 5 the name of the judge presiding at the time of such entry: *Provided, however,*
 6 that in actions, (other than criminal actions, and quasi criminal actions brought
 7 to recover fines or penalties for the violation of ordinances of municipal corporations,
 8 rations,) in which there is more than one plaintiff or more than one defendant,
 9 there shall be specified only the names of the first party plaintiff, and of the first
 10 party defendant, with the usual indication by the letters "et al." that there are
 11 additional parties to the action.

Sec. 1918. INTERLOCUTORY ORDER, ETC., TO BE CONFINED TO STATING WHAT IS
 2 ORDERED, ETC.—EXCEPTION.] Every such interlocutory order, judgment or decree

3 shall be confined strictly to a statement of that which the court orders, adjudges
 4 or decrees, with a recital showing on whose motion or application the same is
 5 entered: *Provided, however*, that an interlocutory order granting a preliminary
 6 injunction or appointing a receiver without notice to the adverse party shall con-
 7 tain a recital of the granting of the order without notice, together with a speci-
 8 fication of the papers upon which such order is founded and of the bond, if any,
 9 given by the plaintiff.

Sec. 1919. RECITALS OF EVIDENCE HEARD OR FACTS FOUND TO BE OMITTED.] No
 2 such order, judgment or decree, whether interlocutory or final, shall, excepting
 3 as is provided in the preceding clause, contain any recital of the evidence heard
 4 or of the facts found by the court and every such recital of evidence heard or
 5 of facts found by the court, excepting such as is provided for in the preceding
 6 clause, shall be deemed surplusage and shall be given no force or effect
 7 whatsoever.

Sec. 1920. WHEN ORDER, ETC., PRESUMED WARRANTED BY EVIDENCE, ETC.—PRE-
 2 LIMINARY INJUNCTION, ETC., ORDER.] When the record contains no report of the
 3 proceedings signed by a judge and no master's report accompanied by evidence,
 4 or master's report of findings of fact not accompanied by evidence, every
 5 order, judgment or decree, whether interlocutory or final, other than an inter-
 6 locutory order granting an injunction or appointing a receiver without notice,
 7 shall be conclusively presumed to have been warranted by the evidence, and an
 8 interlocutory order granting a preliminary injunction or appointing a receiver
 9 without notice will be presumed to have been founded solely upon the plain-
 10 tiff's bill of complaint, the affidavit verifying the same and the other affidavits,
 11 if any, specified in such order.

Sec. 1921. WHEN ORDER, ETC., PRESUMED BASED SOLELY ON EVIDENCE IN REPORT,
 2 ETC.] When the record contains a report of the proceedings signed by the judge,

3 or a master's report accompanied by evidence, or both, any such order, judgment
 4 or decree, whether interlocutory or final, to which such report of the proceed-
 5 ings pertains, or which is founded upon such master's report accompanied
 6 by evidence, or both, will be presumed to have been founded solely upon
 7 the evidence preserved in such report of the proceedings or accompanying such
 8 master's report, or both, as the case may be. unless such report of the proceed-
 9 ings, or master's report, shall contain an express recital to the contrary.

Sec. 1922. WHEN ORDER, ETC., PRESUMED FOUNDED SOLELY ON MASTER'S FIND-
 2 INGS.] When the record contains a master's report of findings of fact not accom-
 3 panied by evidence, any such order, judgment or decree which purports to be
 4 founded upon such master's report, will be presumed to have been founded solely
 5 upon the facts found therein.

Sec. 1923. WHAT FINAL ORDER IN CIVIL ACTION, ETC., TO CONTAIN—INTRODUC-
 2 TION—MATTERS ORDERED, ETC.] Every such final order, judgment or decree,
 3 other than those otherwise hereinafter expressly provided for, shall contain,
 4 first, an introduction, and, second, the matter or matters ordered, adjudged
 5 or decreed. The introduction shall recite the jurisdiction of the court of the sub-
 6 ject matter of the action or proceeding and of the person or persons of the de-
 7 fendant or defendants, and shall specify, as to each defendant, whether such
 8 jurisdiction of the person has been obtained by service of summons, by appear-
 8 ance, or by publication of notice. In the case of a final order or judgment in
 9 an action at law, it shall also recite whether the order or judgment is entered
 10 upon default, with or without an assessment of damages, or hearing of evidence,
 11 or upon the finding of a court, or the verdict of a jury, or otherwise. In the
 12 case of a final order or decree in an action in equity, it shall also recite whether
 13 it is entered upon default, or upon the verdict of a jury, or upon a hearing by
 14 the court upon pleadings or otherwise, either with or without proof, and if with
 15 proof, whether the same was introduced and heard by deposition or otherwise
 16 in open court, or accompanied a master's report, or both, as the case may be.

17 The matter or matters ordered, adjudged or decreed shall, when more than
18 one matter is so ordered, adjudged or decreed, be divided into paragraphs, each
19 containing, as near as may be practicable, a single one of such matters.

Sec. 1924. WHAT FINAL JUDGEMENT IN CRIMINAL ACTION TO CONTAIN—INTRO-
2 Duction—Sentence.] Every final judgment of sentence in a criminal action
3 shall also contain, first, an introduction, and, second, the recital of the sentence.
4 The introduction shall recite the presence of the defendant, in every case in
5 which the presence of the defendant is required by law, or if the defendant
6 be not present, it shall recite the manner in which jurisdiction of the person
7 of the defendant has been obtained, and whether the sentence is upon a plea
8 of guilty, a finding by the court, or the verdict of a jury, and the recital of
9 the sentence shall specify the punishment imposed upon the defendant. If the
10 punishment is, in whole or in part, imprisonment, the judgment shall specify the
11 commencement and duration of the same and whether the same is to be by
12 confinement in the penitentiary, State reformatory, county jail, house of cor-
13 rection, or other institution, and if the punishment is, in whole or in part, a
14 fine, the judgment shall specify the manner of enforcing payment of the same.
15 If such payment is to be enforced by confinement of the defendant in any
16 county jail, it shall be sufficient that the judgment recite that such defendant
17 is to stand committed to such county jail until the fine and costs are paid
18 or the defendant discharged in accordance with law. If such payment is to
19 be enforced by the confinement of the defendant in any house of correction or
20 work-house, it shall be sufficient that the judgment recite that the defendant
21 is to stand committed to such house of correction or workhouse until the fine
22 and costs are paid or worked out by the defendant, or the defendant dis-
23 charged in accordance with law.

Sec. 1925. WHAT FINAL JUDGMENT IN MUNICIPAL ORDINANCE CASE TO CON-
TAIN—INTRODUCTION—IMPOSITION OF FINE.] Every final judgment imposing a
fine in a quasi criminal action to recover a fine or penalty for the violation
of a municipal ordinance shall also contain, first, an introduction, and, sec-
ond, a recital of the imposition of the fine and the manner of enforcing pay-
ment thereof. The introduction shall recite the presence of the defendant in
every case in which the presence of the defendant is required by law, or, if the
defendant be not present, it shall recite the jurisdiction of the court of the
subject-matter of the action or proceeding and of the person of the defendant
and whether such jurisdiction of the person has been obtained by service of
summons, appearance, or arrest and bringing into court, and shall be followed
by the recital of the imposition of the fine and of the manner of enforcing
payment thereof. If such payment is to be enforced by the confinement of the
defendant in any county jail, it shall be sufficient that the judgment recite that
such defendant is to stand committed to such county jail until the fine and
costs are paid or the defendant discharged in accordance with law. If the
payment of the judgment is to be enforced by the confinement of the defend-
ant in any house of correction or workhouse, it shall be sufficient that the
judgment recite that such defendant stand committed to such house of correc-
tion or workhouse until the fine and costs shall have been paid or worked out
by the defendant or the defendant discharged in accordance with law.

Sec. 1926. ORDERS, ETC., IN CIVIL, ETC., ACTION NOT TO CONTAIN ORDER FOR
EXECUTION, ETC.—HOW JUDGMENTS, ETC., ENFORCED.] No final order, judgment
or decree in a civil or quasi criminal action, other than one brought to recover
a fine or penalty for the violation of a municipal ordinance, shall contain
any order for the issuance of any execution or other process, or for any
other procedure for the enforcement of the same, but without any such order,
the method of enforcement of said final order, judgment or decree, other

8 than one for the payment of money against a municipal corporation, or an
 9 executor, administrator, guardian, conservator, receiver or other person acting
 10 merely in a representative capacity, shall be as follows:

11 *First*—JUDGMENT FOR MONEY ON DUE SERVICE OR APPEARANCE WITHOUT LEVY
 12 OF ATTACHMENT, ETC.] A final order or judgment for money against a defend-
 13 ant in an action at law, in which the defendant has been duly served with
 14 the summons or writ or has entered his appearance, and in which no writ of
 15 attachment or distress warrant has been levied, or in which, if such writ of
 16 attachment or distress warrant has been levied, such writ of attachment or
 17 distress warrant has been quashed or the levy discharged, shall be enforced
 18 by a general execution against the property of the defendant. A defendant
 19 shall be deemed to have been duly served with the summons or writ within
 20 the meaning of this section, either when such service shall have been had with-
 21 in the territorial limits of this State, or when the same shall have been had
 22 without the territorial limits of this State and the defendant, at the time of
 23 being so served, shall have been a citizen and resident of this State and the
 24 proof of service of the summons or writ shall so recite. The general execu-
 25 tion above provided for may be in substantially the following form:

26 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

27 John Doe
 28 v.
 29 Richard Roe. } Contract. No. 30.

30 GENERAL EXECUTION.

31 The People of the State of Illinois—GREETING to the sheriff of Cook county:

32 We command you that of the lands and tenements, goods and chattels of
 33 Richard Roe, in your county, you cause to be made the sum of two thousand
 34 dollars (\$2,000), which John Doe, as plaintiff, recovered against Richard Roe,
 35 as defendant, on the 12th day of February, 1908, in the above entitled action
 36 in the circuit court of Cook county, Illinois, and also the further sum of six

Witness John Smith, clerk of said circuit court, and the seal thereof, at
Chicago, Illinois, this 12th day of February, 1908.

42 *Second*—JUDGMENT FOR MONEY ON PERSONAL SERVICE OR APPEARANCE WITH
43 LEVY OF ATTACHMENT, ETC.] A final order or judgment for money against a
44 defendant in an action at law in which the defendant has been duly served with
45 the summons or writ or has entered an appearance, and in which a writ of at-
46 tachment or distress warrant has been levied and such writ of attachment or dis-
47 tress warrant has not been quashed or the levy discharged, shall be enforced by
48 a general execution against the property of the defendant, coupled with a spe-
49 cial execution against the property levied upon, which execution may be in
50 substantially the following form:

52 John Doe
53 v.
54 Richard Roe. } Attachment. No. 50.

56 The People of the State of Illinois—GREETING to the sheriff of Cook county:

We command you that of the property levied upon under the writ of attachment in the above entitled action, to-wit: (here describe property levied upon,) as well as from the other lands and tenements, goods and chattels of the defendant, Richard Roe, in your county, you cause to be made the sum of two thousand dollars (\$2,000), which said John Doe, as plaintiff, recovered against said Richard Roe, as defendant, on the 12th day of February, 1908, in the above entitled action in the circuit court of Cook county, Illinois, and also the further sum of six dollars and fifty cents (\$6.50), which was adjudged to

65 said plaintiff as costs, and pay over the same to the said plaintiff, John Doe.

66 Witness John Smith, clerk of said circuit court, and the seal thereof, at

67 Chicago, Illinois, this 12th day of February, 1908.

68 JOHN SMITH, *Clerk.*

69 NOTE.

70 If the execution be issued in an action of distress for rent, the above
71 form may be varied from by changing the classification of the action accord-
72 ingly and by substituting "distress warrant" for "writ of attachment."

73 *Third*—JUDGMENT FOR MONEY WITHOUT DUE SERVICE OR APPEARANCE, BUT
74 WITH LEVY OF ATTACHMENT, ETC.] A final order or judgment for money against
75 a defendant in an action at law in which the defendant has not been duly
76 served with the summons or writ and has not entered an appearance, and in
77 which a writ of attachment or distress warrant has been levied upon property
78 of the defendant and such writ of attachment or distress warrant has not
79 been quashed or the levy discharged, may be enforced by a special execution
80 against the property levied upon, which execution may be in substantially the
81 following form:

82 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

83	John Doe	} Attachment. No. 60.
84	v.	
85	Richard Roe.	

86 SPECIAL EXECUTION.

87 The People of the State of Illinois—GREETING to the sheriff of Cook county:

88 We command you that of the property levied upon under the writ of attach-
89 ment in the above entitled action, to-wit; (here describe property levied up-
90 on,) you cause to be made the sum of one thousand dollars (\$1,000), which
91 John Doe, as plaintiff, recovered against said Richard Roe, as defendant, on
92 the 12th day of February, 1908, and also the further sum of six dollars and

93 fifty cents (\$6.50), which was adjudged to said plaintiff as costs, and pay over
 94 the same to the said plaintiff, John Doe.

95 Witness John Smith, clerk of said circuit court, and the seal thereof, at
 96 Chicago, Illinois, this 12th day of February, 1908.

97 JOHN SMITH, *Clerk*.

98 NOTE.

99 If the execution be issued in an action of distress for rent, the above
 100 form may be varied from by changing the classification of the action accord-
 101 ingly and by substituting "distress warrant" for "writ of attachment."

102 *Fourth.*—WHEN JUDGMENT ENFORCED BY GARNISHMENT.] In an action in
 103 which the defendant has been duly served with the summons or writ, or has
 104 entered an appearance, or has been duly notified by publication of notice, and
 105 in which a garnishee has been duly served with summons, or has entered his
 106 appearance, and money or property applicable to the payment of the judgment
 107 has been recovered from such garnishee, such judgment may be enforced out
 108 of the money or property so recovered from such garnishee, so far as the same
 109 may extend.

110 *Fifth.*—JUDGMENT FOR MONEY WITHOUT DUE SERVICE OR LEVY OF ATTACHMENT,
 111 ETC., A NULLITY.] A final order or judgment for money against a defendant in
 112 an action at law in which the defendant has not been duly served with the sum-
 113 mons or writ and has not entered an appearance, and in which no writ of
 114 attachment or distress warrant has been levied, nor any garnishee served with
 115 garnishee summons or appeared, or in which, if such writ of attachment or dis-
 116 tress warrant has been levied, or such garnishee has been served with summons
 117 or has entered his appearance, such writ of attachment or distress warrant has
 118 been quashed or the levy discharged, or no money or property applicable to
 119 the payment of the judgment has been recovered from the garnishee, shall be
 120 deemed a nullity and shall be without any force or effect.

121 *Sixth*—DECREE FOR MONEY ON DUE SERVICE OR APPEARANCE, EXCEPTING FORE
 122 CLOSURE, ETC.] An order or decree for money against a defendant in an action
 123 in equity, in which the defendant has been duly served with the summons or
 124 has entered an appearance, other than one for the foreclosure of a mortgage or
 125 the enforcement of a lien, shall be enforced by a general execution against the
 126 property of the defendant in the form, as near as may be, above prescribed for
 127 an execution upon a judgment for money against a defendant in an action at
 128 law in which the defendant has been duly served with the summons or writ or
 129 has entered his appearance, or, in the discretion of the court, by attachment of
 130 the defendant and a proceeding against him as for a contempt of court; but
 131 if the defendant has not been duly served with the summons and has not en-
 132 tered an appearance, such decree shall be deemed a nullity and shall be without
 133 any force or effect.

134 *Seventh*—FORECLOSURE DECREE, ETC.—DEFICIENCY.] A final order or decree
 135 for money against a defendant in an action in equity brought for the fore-
 136 closure of a mortgage or the enforcement of a lien shall be satisfied in the
 137 first instance by a sale of the property foreclosed, or made subject to the lien,
 138 in such manner as the court may direct, and the balance, if any, remaining un-
 139 satisfied after the application of the proceeds of such sale, when such balance
 140 is fixed and ordered or decreed to be paid by the court, shall, if the defendant
 141 has been duly served with the summons or has entered his appearance, be en-
 142 forced by a general execution against the property of the defendant in the
 143 form specified in the preceding clause or, in the discretion of the court, by an
 144 attachment of the defendant and a proceeding against him as for a contempt
 145 of court; but if the defendant has not been duly served with the summons and
 146 has not entered an appearance, such decree for such balance shall be deemed a
 147 nullity and shall be without force or effect.

148 *Eighth*—JUDGMENT IN EJECTMENT.] A judgment in an action of ejectment
 149 for the possession of real estate and for costs shall be enforced by a writ of

150 possession, or, in the discretion of the court, by attachment of the party against
151 whom the judgment is rendered and a proceeding against him as for a con-
152 tempt of court. Such writ of possession may be in substantially the following
153 form:

154 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

155 John Doe
156 v.
157 Richard Roe. } Ejectment. No. 50.

158 WRIT OF POSSESSION.

159 The People of the State of Illinois—GREETING to the sheriff of Cook county:
160 We hereby command you that, without delay, you deliver to John Doe, the
161 plaintiff in the above entitled action, possession of the premises recovered by
162 said John Doe, as plaintiff, against said Richard Roe, as defendant, on the
163 12th day of February, 1908, in the above entitled action, in the circuit court of
164 Cook county, Illinois, which premises are described as follows:

165 (Here describe premises.)

166 We also cominand you that of the lands and tenements, goods and chat-
167 tels of said defendant, Richard Roe, in your county, you cause to be made the
168 sum of six dollars and fifty cents (\$6.50), which John Doe, as plaintiff, recov-
169 ered against said Richard Roe, as defendant, on the 12th day of February, 1908,
170 in the above entitled action in the circuit court of Cook county, Illinois, which
171 was adjudged to said plaintiff as his costs, and pay over the same to the said
172 plaintiff, John Doe.

173 Witness John Smith, clerk of said circuit court, and the seal thereof, at
174 Chicago, Illinois, this 12th day of February, 1908.

175 JOHN SMITH, *Clerk.*

176 *Ninth*—JUDGMENT FOR PLAINTIFF FOR POSSESSION IN FORCIBLE DETAINER.] A
177 judgment in an action of forcible detainer in favor of the plaintiff for the pos-
178 session of the premises specified in the judgment and for costs shall be en-

179 forced by a writ of restitution and execution which may be in substantially the
180 following form:

181 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

182 John Doe }
183 v. }
184 Richard Roe. } Forcible Detainer. No. 100.

185 WRIT OF RESTITUTION.

186 The People of the State of Illinois—GREETING to the sheriff of Cook county:

187 We command that you, without delay, dispossess Richard Roe, the defend-
188 ant in the above entitled action, and restore the plaintiff, John Doe, to the
189 possession of the premises recovered by said John Doe, as plaintiff, against said
190 Richard Roe, as defendant, on the 12th day of February, 1908, in the above
191 entitled action in the circuit court of Cook county, Illinois, which premises are
192 described as follows:

193 (Here describe premises.)

194 We also command you that of the lands and tenements, goods and chat-
195 tels of said defendant, Richard Roe, in your county, you cause to be made the
196 sum of six dollars and fifty cents (\$6.50), which John Doe, as plaintiff, recov-
197 ered against said Richard Roe, as defendant, on the 12th day of February, 1908,
198 in the above entitled action in the circuit court of Cook county, Illinois, which
199 was adjudged to the said plaintiff as his costs, and pay over the same to the
200 said plaintiff, John Doe.

201 Witness John Smith, clerk of said circuit court, and the seal thereof, at
202 Chicago, Illinois, this 12th day of February, 1908.

203 JOHN SMITH, *Clerk.*

204 NOTE.

205 In case the defendant has not been duly served with the summons or writ,
206 and has not entered an appearance, no judgment for costs shall be rendered
207 against him and that portion of the above form pertaining to the costs shall be
208 omitted.

209 *Tenth*—JUDGMENT FOR PLAINTIFF FOR POSSESSION AND RENT IN FORCIBLE DE-
 210 TAINER.] A judgment in an action of forcible detainer in favor of the plaintiff
 211 for the possession of the premises specified in the judgment and for rent and
 212 costs shall be enforced by a writ of restitution and execution which may be in
 213 substantially the following form:

214 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

215	John Doe	} Forcible Detainer. No. 30.
216	v.	
217	Richard Roe.	

218 WRIT OF RESTITUTION AND EXECUTION.

219 The People of the State of Illinois—GREETING to the sheriff of Cook county:

220 We command you that you, without delay, dispossess Richard Roe, the de-
 221 fendant in the above entitled action, and restore the plaintiff, John Doe, to the
 222 possession of the premises recovered by said John Doe, as plaintiff, against
 223 said Richard Roe, as defendant, on the 12th day of February, 1908, in the above
 224 entitled action in the circuit court of Cook county, Illinois, which premises are
 225 described as follows:

226 (Here describe premises.)

227 We also command you that of the lands and tenements, goods and chat-
 228 tels of said defendant, Richard Roe, in your county, you cause to be made the
 229 sum of five hundred dollars (\$500), which said John Doe, as plaintiff, recovered
 230 against said Richard Roe, as defendant, on the 12th day of February, 1908, in
 231 the above entitled action in the circuit court of Cook county, Illinois, as rent, and
 232 also the further sum of six dollars and fifty cents (\$6.50), which was adjudged
 233 to said plaintiff as costs, and pay over the same to the said plaintiff, John Doe.

234 Witness John Smith, clerk of said circuit court, and the seal thereof, at
 235 Chicago, Illinois, this 12th day of February, 1908.

236 JOHN SMITH, *Clerk*.

237

NOTE.

238 In case the defendant has not been duly served with the summons or writ
 239 and has not entered an appearance, no judgment for costs or rent shall be
 240 rendered against him and that portion of the above form pertaining to the rent
 241 and costs shall be omitted.

242 *Eleventh*—JUDGMENT FOR PLAINTIFF IN TRIAL OF RIGHT OF PROPERTY.] A
 243 judgment in favor of the plaintiff for the recovery of personal property in an
 244 action for the trial of the right of property shall be enforced by a writ of pos-
 245 session, or, in the discretion of the court, by attachment of the defendant and
 246 a proceeding against him as for a contempt of court. Such writ of possession
 247 may be in substantially the following form:

248

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

249	John Doe	} Trial of Right of Property. No. 75.
250	v.	
251	Richard Roe et al.	

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WRIT OF POSSESSION.

253 The People of the State of Illinois—(GREETING to the sheriff of Cook county:
 254 We command you that you, without delay, take the following goods and
 255 chattels, which John Doe, as plaintiff, recovered against Richard Roe and
 256 Thomas Jones, as defendants, on the 12th day of February, 1908, in the above
 257 entitled action in the circuit court of Cook county, Illinois, and cause the same
 258 to be delivered to said John Doe, to-wit:

259 (Here describe goods and chattels.)

260 We also command you that of the goods and chattels of the defendant,
 261 Richard Roe, in your county, you cause to be made the sum of six dollars and
 262 fifty cents (\$6.50), which John Doe, as plaintiff, recovered against said Rich-
 263 ard Roe, as defendant, on the 12th day of February, 1908, in the above entitled
 264 cause in the circuit court of Cook county, Illinois, which was adjudged to the
 265 said plaintiff as his costs, and pay over the same to the said plaintiff, John Doe.

266 Witness John Smith, clerk of said circuit court, and the seal thereof, at
267 Chicago, Illinois, this 12th day of February, 1908.

268 JOHN SMITH, *Clerk.*

269 *Twelfth*—JUDGMENT FOR DEFENDANT FOR RETURN OF PROPERTY IN REPLEVIN.]
270 A judgment in an action of replevin in favor of the defendant for the return
271 of property replevied shall be enforced by a writ of retorno habendo, or, in the
272 discretion of the court, by attachment of the plaintiff and a proceeding against
273 him as for a contempt of court. A writ of retorno habendo may be in substanti-
274 ally the following form:

275 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

276	John Doe	} Replevin. No. 20.
277	v.	
278	Richard Roe.	

279 WRIT OF RETORNO HABENDO.

280 The People of the State of Illinois—GREETING to the sheriff of Cook county:
281 We command you that you, without delay, cause to be returned to Richard
282 Roe, the defendant in the above entitled action, the following goods and chat-
283 tels, the return whereof was **awarded** to said defendant, Richard Roe, against
284 the said plaintiff, John Doe, by the judgment entered by the circuit court of
285 Cook county, Illinois, in said action on the 12th day of February, 1908, to-wit:

286 (Here describe goods and chattels.)

287 We also command you that of the lands and tenements, goods and chat-
288 tels of said plaintiff, John Doe, in your county, you cause to be made the sum
289 of six dollars and fifty cents (\$6.50), which said Richard Roe, as defendant,
290 recovered against said John Doe, as plaintiff, on the 12th day of February,
291 1908, in the above entitled action in the circuit court of Cook county, Illinois,
292 and pay over the same to the said defendant, Richard Roe.

Witness John Smith, clerk of said circuit court, and the seal thereof, at
Chicago, Illinois, this 12th day of February, 1908.

295 JOHN SMITH, *Clerk.*

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NOTE.

297 When no judgment for costs is rendered in favor of the defendant, the last
 298 paragraph of the above form may be omitted.

299 *Thirteenth*—JUDGMENT IN FAVOR OF INTERVENER IN REPLEVIN.] A judgment
 300 in an action of replevin against the plaintiff and the defendant and in favor of
 301 an intervener for the possession of property replevied shall be enforced by a
 302 writ of possession, or, in the discretion of the court, by an attachment of the
 303 plaintiff and defendant and a proceeding against them for a contempt of court.
 304 Such writ of possession may be in substantially the following form:

305

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

306	John Doe	} Replevin. No. 27.
307	v.	
308	Richard Roe.	

309

WRIT OF POSSESSION.

310 The People of the State of Illinois--GREETING to the sheriff of Cook county:

311 We command you that you, without delay, take the following goods and
 312 chattels, which Thomas Jones, as intervener, recovered against John Doe, as
 313 plaintiff, and Richard Roe, as defendant, on the 12th day of February, 1908,
 314 in the above entitled action in the circuit court of Cook county, and cause the
 315 same to be delivered to said intervener, Thomas Jones, to-wit:

316 (Here describe goods and chattels.)

317 We also command you that of the goods and chattels, lands and tenements
 318 of the plaintiff, John Doe, and of the defendant, Richard Roe, in your county, you
 319 cause to be made the sum of six dollars and fifty cents (\$6.50), which said
 320 Thomas Jones, as intervener, recovered against said John Doe, as plaintiff,
 321 and said Richard Roe, as defendant, on the 12th day of February, 1908, in the
 322 above entitled action in the circuit court of Cook county, Illinois, which was ad-
 323 judged to said intervener as costs, and pay over the same to the said intervener.
 324 Thomas Jones.

Witness John Smith, clerk of said circuit court, and the seal thereof, at
Chicago, Illinois, this 12th day of February, 1908.

JOHN SMITH, *Clerk.*

Fourteenth—JUDGMENT IN TORT FOR WILFUL INJURY.] A judgment for
money against a defendant for a tort which is either a libel, slander, malicious
prosecution, false imprisonment, assault and battery, the commission of a fraud,
seduction, criminal conversation. or any other injury wilfully inflicted, may also
if the plaintiff so requires, be enforced by an execution against the body of the
defendant. The plaintiff's statement of claim in any such action shall be sufficient
prima facie evidence that the judgment was upon the claim therein set forth.
Such execution against the body may be in substantially the following form:

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

John Doe	} Tort. No. 45.
v.	
Richard Roe.	

CAPIAS AD SATISFACIENDUM.

The People of the State of Illinois—GREETING to the sheriff of Cook county:
We command you that you take Richard Roe, defendant, if he may be
found in your county, and him safely keep as by law required and herein com-
manded, so that you have his body to satisfy John Doe, plaintiff, in the sum
of two thousand dollars (\$2,000), which said John Doe, as plaintiff, recovered
against said Richard Roe, as defendant, on the 12th day of February, 1908, in
the above entitled action in the circuit court of Cook county, Illinois, and also
the further sum of six dollars and fifty cents (\$6.50), which was adjudged to
the said plaintiff as costs, and pay over the same when collected to the said
plaintiff, John Doe. You are also to take and keep said Richard Roe, defend-
ant, as by law required, until said sums be paid and satisfied, or until the said
defendant, Richard Roe, is discharged by due course or process of court, the
imprisonment of said defendant, Richard Roe, not to continue for a longer
period than six months from the date of arrest.

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due course of administration in the manner provided by law, and such payment shall be enforced by the court having jurisdiction over the settlement of the accounts of such executor or other person acting in a representative capacity.

Twenty-first—OTHER CASES.] In all cases not otherwise provided for by this Act final orders, judgments and decrees may be enforced in such manner as the courts entering the same may deem necessary or proper, or as the supreme court may, by rule, prescribe.

Sec. 1927. SENTENCE IN CRIMINAL ACTION NOT TO CONTAIN ORDER FOR PROCESS—HOW JUDGMENT ENFORCED.] No judgment of sentence in a criminal action shall contain any order for the issuance of any process or any directions to any officer with respect to the enforcement thereof, but without any such order or directions, immediately after the lapse of the time during which the execution of the judgment may be stayed in accordance with the provisions of this Act, the clerk of the court in which the judgment is entered shall deliver to the sheriff of the county in which the court is held a certified copy of such judgment, specifying in the certificate thereto that such copy is delivered to the sheriff for the execution of the judgment, and thereupon the method of enforcing such judgment shall be as follows:

First—PENITENTIARY SENTENCE WITHOUT FINE.] When the sentence is that the defendant be confined in the penitentiary or state reformatory and no fine is imposed upon him, the sheriff shall forthwith convey the defendant to such place of confinement and there deliver him to the warden or other officer in charge thereof, together with such certified copy of the judgment, and such warden or other officer shall receive the defendant and confine him in such place of confinement in accordance with such judgment.

Second—DEATH SENTENCE.] When the sentence is death by hanging, the sheriff, unless the execution of the judgment is stayed in the manner provided by law, shall, on the second Monday after the lapse of ninety days from the

22 date of the entry of the judgment, between the hours of ten o'clock a. m. and
 23 four o'clock p. m. of said day, cause the defendant to be executed by hanging
 24 in the manner heretofore customary. If the execution of the judgment is
 25 stayed in the manner provided by law and such stay is vacated or set aside
 26 by the affirmance of the judgment or otherwise, the court vacating or setting
 27 aside such stay or affirming the judgment, as the case may be, shall enter an
 28 order fixing the day for the execution of the judgment, or such order may be
 29 entered by the court in which the judgment has been rendered, and the clerk
 30 of the proper court shall deliver to the sheriff a certified copy of such order,
 31 together with a certified copy of the judgment as above provided for, and the
 32 sheriff shall execute the judgment between the hours of ten o'clock a. m. and
 33 four o'clock p. m., on the day so fixed.

34 *Third* -PENITENTIARY SENTENCE WITH FINE.] When the sentence is that the
 35 defendant be confined in the penitentiary and that he pay a fine, or fine and
 36 costs, and either stand committed, after the expiration of his term of imprison-
 37 ment in the penitentiary, to the county jail until the fine, or fine and costs, are
 38 paid, or until he is discharged in accordance with law, or to a house of cor-
 39 rection or workhouse until the fine or fine and costs are paid, or worked out
 40 by him, or until he is discharged in accordance with law, the sheriff shall
 41 forthwith convey the defendant to the penitentiary and there deliver him to
 42 the warden or other officer in charge thereof, together with such certified copy
 43 of the judgment, and such warden or other officer shall receive the defendant
 44 and confine the defendant in the penitentiary in accordance with such judg-
 45 ment during the time specified therein, and shall thereafter deliver him to the
 46 sheriff of the county in which the court is held, together with such certified
 47 copy of the judgment and a certificate annexed thereto of the due execution
 48 thereof by such warden; and, if the sentence is that the defendant stand com-
 49 mitted, after the expiration of his term of imprisonment in the penitentiary,
 50 to the county jail until the fine or fine and costs are paid, the sheriff shall

51 confine the defendant in the county jail accordingly until such fine or fine and
 52 costs are paid, or the defendant is discharged in accordance with law; and if
 53 the sentence is that the defendant stand committed, after the expiration of his
 54 term of imprisonment, in the penitentiary, to a house of correction or work-
 55 house until the fine or fine and costs are paid or worked out by him, or until
 56 he is discharged in accordance with law, the sheriff shall deliver the defendant
 57 to the keeper of the house of correction or workhouse, together with such cer-
 58 tified copy of the judgment and certificate of the warden, and such keeper
 59 shall confine the defendant in such house of correction or workhouse until the
 60 fine or fine and costs are paid or worked out by the defendant, or until the de-
 61 fendant is discharged in accordance with law.

62 *Fourth*—COUNTY JAIL SENTENCE WITHOUT FINE.] When the sentence is
 63 that the defendant be confined in the county jail and no fine is imposed upon
 64 him the sheriff shall immediately confine the defendant in such county jail in
 65 accordance with such judgment.

66 *Fifth*—COUNTY JAIL SENTENCE WITH FINE.] When the sentence is that the
 67 defendant be confined in the county jail and that he pay a fine or fine and costs,
 68 and that after the expiration of the term of imprisonment fixed in the judg-
 69 ment he further stand committed to such county jail until the fine or fine and
 70 costs are paid, the sheriff shall forthwith confine the defendant in such county
 71 jail during the term fixed in the judgment for such imprisonment and there-
 72 after until the fine or fine and costs are paid or until the defendant is dis-
 73 charged in accordance with law.

74 *Sixth*—HOUSE OF CORRECTION, ETC., SENTENCE WITHOUT FINE.] When the
 75 sentence is that the defendant be confined in a house of correction, or work-
 76 house, and no fine is imposed upon him, the sheriff shall forthwith convey the
 77 defendant to such house of correction or workhouse and there deliver him
 78 to the keeper thereof, together with the certified copy of the judgment afore-
 79 said, and such keeper shall receive the defendant and confine him in such

80 house of correction or workhouse in accordance with such judgment during
81 the time specified therein.

82 *Seventh*—HOUSE OF CORRECTION, ETC., SENTENCE WITH FINE.] When the
83 sentence is that the defendant be confined in a house of correction or work-
84 house and that he pay a fine or fine and costs, and that after the expiration
85 of the term of imprisonment fixed in such judgment he further stand commit-
86 ted to such house of correction or workhouse until the fine or fine and costs are
87 paid or worked out by the defendant, the sheriff shall forthwith convey the
88 defendant to the house of correction or workhouse and there deliver him to
89 the keeper thereof, together with such certified copy of the judgment, and such
90 keeper shall receive the defendant and confine him in such house of correction
91 or workhouse in accordance with such judgment during the time specified
92 therein for such imprisonment and thereafter until the fine or fine and costs
93 are paid or worked out by the defendant, or until the defendant is discharged
94 in accordance with law.

95 *Eighth*—SENTENCE OF FINE ONLY WITH COMMITMENT TO JAIL, ETC.] When
96 the sentence is that the defendant pay a fine or fine and costs and that he
97 stand committed to the county jail until the fine or fine and costs are paid or
98 until he is discharged in accordance with law, the sheriff shall immediately pro-
99 ceed to confine the defendant in such county jail until the fine or fine and costs are
100 paid or until the defendant is discharged in accordance with law.

101 *Ninth*—SENTENCE OF FINE ONLY WITH COMMITMENT TO WORKHOUSE, ETC.]
102 When the sentence is that the defendant pay a fine or fine and costs and that
103 he stand committed to a house of correction or workhouse until the fine or fine
104 and costs are paid or worked out by the defendant, or until he is discharged
105 in accordance with law, the sheriff shall forthwith convey the defendant to the
106 house of correction or workhouse and there deliver him to the keeper thereof,
107 together with such certified copy of the judgment, and such keeper shall re-
108 ceive the defendant and confine him in such house of correction or workhouse

109 until the fine or fine and costs are paid or worked out by the defendant, or
 110 until the defendant is discharged in accordance with law.

Sec. 1928. JUDGMENT IN MUNICIPAL ORDINANCE CASE NOT TO CONTAIN ORDER
 2 FOR PROCESS—HOW JUDGMENT ENFORCED.] No judgment imposing a fine or pen-
 3 alty in a quasi criminal action brought to recover a fine or penalty for the
 4 violation of a municipal ordinance shall contain any order for the issuance of
 5 any process or any directions to any officer with respect thereto, but the judg-
 6 ment shall provide that the defendant shall be confined either in the county jail,
 7 house of correction or workhouse until the fine or fine and costs are paid, and
 8 without any such order for the issuance of process or any directions to any
 9 officer with respect thereto, the clerk of the court in which the judgment is entered
 10 shall, after the lapse of the time during which the execution of the judgment may
 11 be stayed in accordance with the provisions of this act, deliver a certified copy
 12 of such judgment to the sheriff of the county in which the court is held, specify-
 13 ing in such certificate that such copy is delivered to the sheriff for the
 14 execution of the judgment, and thereupon such judgment shall be enforced as
 15 follows:

16 *First*—JUDGMENT FOR FINE WITH COMMITMENT TO COUNTY JAIL, ETC.] When
 17 the judgment is that the defendant pay a fine or fine and costs and that he
 18 stand committed to the county jail until the fine or fine and costs are paid, the
 19 sheriff shall immediately proceed to confine the defendant in such county jail
 20 until the fine or fine and costs are paid or until the defendant is discharged
 21 in accordance with law.

22 *Second*—JUDGMENT FOR FINE WITH COMMITMENT TO HOUSE OF CORRECTION,
 23 ETC.] When the judgment is that the defendant pay a fine or fine and costs
 24 and that he stand committed to a house of correction or workhouse until the
 25 fine or fine and costs are paid, or until he is discharged in accordance with
 26 law, the sheriff shall forthwith convey the defendant to the house of correc-
 27 tion or workhouse and there deliver him to the keeper thereof, together with

28 such certified copy of the judgment, and such keeper shall receive the defend-
 29 ant and confine him in such house of correction or workhouse until the fine
 30 or fine and costs are paid or worked out by the defendant, or until the de-
 31 fendant is discharged in accordance with law.

Sec. 1929. OFFICER RECEIVING BODY OF DEFENDANT TO EXECUTE RECEIPT—

2 FORMS.] Upon the delivery by the sheriff to the warden of the penitentiary,
 3 keeper of a workhouse or house of correction, or superintendent of the state re-
 4 formatory, or by the warden of the penitentiary to the sheriff, of the body of
 5 any defendant as hereinbefore provided, the officer so receiving the body of the
 6 defendant shall execute and deliver to the officer from whom the same is re-
 7 ceived a receipt therefor. The following forms of receipts provided for in this
 8 section shall be deemed sufficient and shall be taken as furnishing suggestions
 9 from which other receipts may be properly framed:

10 1. RECEIPT BY WARDEN TO SHERIFF.

11 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

12	The People of the State of Illinois	} Criminal. No. 40.
13	v.	
14	Richard Roe.	

15 RECEIPT FOR BODY OF DEFENDANT.

16 Received from Thomas Jones, sheriff of Cook county, Illinois, the body of
 17 Richard Roe, the defendant in the above entitled action, to be confined by me in
 18 the penitentiary at Joliet in accordance with the judgment entered in said
 19 action February 12, 1908.

20 Dated at Joliet, Illinois, February 26, 1908.

21 THOMAS SMITH, *Warden.*

2. RECEIPT OF KEEPER OF HOUSE OF CORRECTION TO SHERIFF.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 75.
v.	
Richard Roe.	

RECEIPT FOR BODY OF DEFENDANT.

Received from Thomas Jones, sheriff of Cook county, Illinois, the body of Richard Roe, the defendant in the above entitled action, to be confined by me in the house of correction of the City of Chicago in accordance with the judgment entered in said action February 12, 1908.

Dated Chicago, Illinois, February 12, 1908.

JAMES SMITH, *Superintendent.*

3. RECEIPT BY SHERIFF TO WARDEN.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 40.
v.	
Richard Roe.	

RECEIPT FOR BODY OF DEFENDANT.

Received from Thomas Smith, warden of the penitentiary at Joliet, the body of Richard Roe, the defendant in the above entitled action, for the execution of the judgment entered in said action February 12, 1908, so far as the same still remains to be executed.

Dated at Joliet, Illinois, January 10, 1909.

THOMAS JONES, *Sheriff.*

Sec. 1930. RECEIPT TO BE FILED WITH CLERK OF COURT.] Every receipt executed and delivered in pursuance of the preceding section shall be returned by the person receiving the same to the clerk of the court in which the judgment has been entered, and the same shall be filed by such clerk as a part of the record of the action.

Sec. 1931. FORMS OF JUDGMENT AND CERTIFICATES.] The following forms

of judgment in a criminal action, certificate of the clerk and certificate of the warden of the penitentiary hereinbefore provided for, shall be deemed sufficient and shall be taken as furnishing suggestions from which other judgments and certificates may be properly framed:

1. JUDGMENT.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25.
v.	
Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

This day the court, the defendant being present, doth sentence the defendant upon his plea of guilty herein to imprisonment in the penitentiary at Joliet for the period of three years from and after his delivery to the warden thereof.

2. CERTIFICATE OF CLERK.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25.
v.	
Richard Roe.	

CERTIFICATE OF CLERK.

I, Henry Brown, clerk of the criminal court of Cook county, Illinois, do hereby certify that the annexed is a true copy of a judgment entered by said criminal court of Cook county, Illinois, in the above entitled action on February 10, 1908, and that said copy is delivered to the sheriff of Cook county, Illinois, for the execution of said judgment.

Witness my hand and the seal of said court, at Chicago, in said county of Cook, this 15th day of March, 1908.

HENRY BROWN, *Clerk.*

3. CERTIFICATE OF WARDEN OF PENITENTIARY.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25.
v.	
Richard Roe.	

CERTIFICATE OF WARDEN OF PENITENTIARY.

I, Thomas Smith, warden of the penitentiary at Joliet, Illinois, do hereby certify that the judgment of which the annexed is a certified copy has been duly executed by the confinement of the defendant Richard Roe, in the penitentiary at Joliet, for the period specified in said judgment.

Dated at Joliet, Illinois, November 10, 1908.

THOMAS SMITH, *Warden*.

Sec. 1932. PRESUMPTIONS IN CASE OF SENTENCE TO WORKHOUSE OR HOUSE OF CORRECTION.] It shall be unnecessary in any judgment in any criminal or quasi criminal action sentencing or committing any defendant to any workhouse or house of correction for any term of imprisonment, or until any fine or fine and costs are paid or worked out by the defendant, or until the defendant is discharged in accordance with law, or in any record entry in any such action, to recite any contract between any county and another municipal corporation authorizing the use of such workhouse or house of correction for such purpose, but the right of such county or other municipal corporation to the use of such workhouse or house of correction for such purpose shall be presumed and the same shall be subject to question only at the suit of such county or other municipal corporation.

Sec. 1933. PRESENCE OF PARTY NEED NOT BE SHOWN BY RECORD.] Excepting as may otherwise be expressly provided by this Act, it shall be unnecessary that the record, or any entry therein, in any action or proceeding, whether civil, criminal or quasi criminal, show the presence in court of the parties, or either

5 of them, or of their respective attorneys, during the progress of the proceed-
 6 ings therein recorded, but, in the absence of any recital showing the contrary
 7 contained either in a record entry or in a report of the proceedings settled and
 8 signed by the judge, the presence of the parties and of each of them at the
 9 entry of each order, judgment or decree and during all of the proceedings of
 10 the court connected therewith shall be conclusively presumed.

Sec. 1934. ENTRY OF FILING OR APPROVAL OF BOND—EFFECT OF ENTRY IN CASE
 2 OF LOSS OR DESTRUCTION OF BOND.] Every minute of the filing or approval of
 3 a bond in any action or proceeding shall specify the kind of bond filed or
 4 approved, the penalty thereof and the obligors named therein, and the date
 5 thereof shall also be specified, if the same be different from the date of the
 6 entry of the minute. In case of the loss or destruction of any bond so filed, a
 7 certified copy of the entries in the register and minute book in the action or
 8 proceeding in which such bond has been filed shall be prima facie evidence of
 9 the execution and delivery of the bond by the obligors in such minute named,
 10 that the penalty of said bond was as specified in such minute and that the
 11 obligee therein and the condition thereof were such as, by the terms of this
 12 Act, were required to be executed in such action or proceeding.

Sec. 1935. ABBREVIATIONS.] In the making of entries upon the books of
 2 record of courts of record in abbreviated forms, the following abbreviations, to-
 3 gether with such others as may be prescribed from time to time by the supreme
 4 court, may be used:

5 ABBREVIATIONS.

A.

- 6 Account—acct.
- 7 Action—acn.
- 8 Ad damnum—addam.
- 9 Additional—addl.

- 10 Adjudication—adjctn.
- 11 Adjustment—adjstmt.
- 12 Administration—admnsn.
- 13 Administrator—admr.
- 14 Administrator de bonis non—admr de b n.
- 15 Administrator to collect—admr to coll.
- 16 Administrator with the will annexed—admr cum test anx.
- 17 Administratrix—admrx.
- 18 Affidavit—aff.
- 19 Affidavit as to non-residence—aff non-res.
- 20 Affidavit as to unknown heirs and devisees—aff unk h & dev.
- 21 Affidavit as to unknown owners—aff unk ownrs.
- 22 Affidavit in abatement—aff abat.
- 23 Affidavit in attachment—aff attach.
- 24 Affidavit in replevin—aff replvn.
- 25 Affidavit of cause of action—aff cause acn.
- 26 Affidavit of claim—aff cl.
- 27 Affidavit of merits—aff mer.
- 28 Affidavit of service—aff serv.
- 29 Affidavit of service of notice of motion—aff serv not mo.
- 30 Affirmed—affd.
- 31 Against—v.
- 32 Agreement—agr.
- 33 Alias summons—al sums.
- 34 Allowed—alld.
- 35 Amend—amd.
- 36 Amendatory and supplemental bill of complaint—amdy & suppl bl complt.
- 37 Amended—amdd.
- 38 Amended bill of complaint—amdd bl complt.

- 39 Amended cross-bill of complaint—amdd cr bl complt.
- 40 Amended supplemental bill of complaint—amdd suppl bl complt.
- 41 Amendment—amdmnt.
- 42 Answer—ans.
- 43 Appeal—appl.
- 44 Appellant—applnt.
- 45 Appellate—applt.
- 46 Appellate court—applt ct.
- 47 Appellee—applee.
- 48 Appearance—app.
- 49 Application—applen.
- 50 Appointing—apptg.
- 51 Appointment—appnt.
- 52 Approve—apprv.
- 53 Approved—apprvd.
- 54 Arraigned—arrnd.
- 55 Assess—ass.
- 56 Assessed—assd.
- 57 Assessment of damages—assmt das.
- 58 Assistant receiver—asst recvr.
- 59 Attached—attachd.
- 60 Attachment—attach.
- 61 Attachment bond—attach bd.
- 62 Attachment in aid—attach in aid.
- 63 Attachment of water craft—attach wat cr.
- 64 Attorney—atty.
- 65 Attorney's—atty's.
- 66 Attorneys—attys.
- 67 Attorneys'—attys'.
- 68 Authenticated record—authent rec. .

69

B.

70

Bailiff—blff.

71

Bailiff's—blff's.

72

Bailiffs—blffs.

73

Bailiffs'—blffs'.

74

Balance—bal.

75

Bastardy—bastdy.

76

Bill—bl.

77

Bill of complaint—bl complt.

78

Bill of exceptions—bl except.

79

Bill of intervention—bl interv.

80

Bill of review—bl rev.

81

Bond—bd.

82

Branch appellate court—br applt ct.

83

C.

84

Capias—ca.

85

Capias ad respondendum—ca res.

86

Capias ad satisfaciendum—ca sa.

87

Certificate—cert.

88

Certificate of deposit—cert. dep.

89

Certificate of evidence—cert ev.

90

Certificate of purchase—cert purch.

91

Certificate of redemption—cert redemp.

92

Certiorari—certri.

93

Certiorari to justice of the peace—certri j p.

94

Challenge—chall.

95

Change of venue—ch ven.

96

Charge to jury—ch to j.

87

Chief justice—ch j.

98

Circuit—cir.

- 99 Circuit court—cir et.
- 100 Circuit Court of United States—cir et U. S.
- 101 Citation—cit.
- 102 City court—city ct.
- 103 Civil—civ.
- 104 Civil contempt—civ cont.
- 105 Claimant—clmt.
- 106 Claimant's—clmt's.
- 107 Claimants—clmts.
- 108 Claimants'—clmts'.
- 109 Clerk—clk.
- 110 Committed—comtd.
- 111 Commitment—contmt.
- 112 Complaint—complt.
- 113 Conditional—condtl.
- 114 Confession—confessn.
- 115 Confession of judgment—confessn judg.
- 116 Conservator—conserv.
- 117 Conservatorship—conservshp.
- 118 Contempt—cont.
- 119 Co-partnership—co-partp.
- 120 County—co.
- 121 County court—co ct.
- 122 County court house—co ct h.
- 123 Court—ct.
- 124 Court house—ct h.
- 125 Creditor—credr.
- 126 Creditor's—credr's.
- 127 Creditor's bill—credr's bl.

- 128 Creditors—credrs.
- 129 Creditors'—credrs'.
- 130 Criminal—crim.
- 131 Cross bill—cr bl.
- 132 Cross defendant—cr deft.
- 133 Cross examination—cr exam.
- 134 Cross plaintiff—cr plff.
- 135 D.
- 136 Damages—das.
- 137 Deceased—dec'd.
- 138 Declaratory decree—decl decr.
- 139 Decree—decr.
- 140 Decree for partition—decr part.
- 141 Decree for sale—decr sale.
- 142 Decree of divorce—decr div.
- 143 Default—dft.
- 144 Defaulted—dftd.
- 145 Defendant—deft.
- 146 Defendant in error—deft in er.
- 147 Defendant's—deft's.
- 148 Defendants—defts.
- 149 Defendants'—defts'.
- 150 Delivered—deld.
- 151 Delivery bond—del bd.
- 152 Demand—demd.
- 153 Demurrer—dem.
- 154 Denial—denl.
- 155 Denied—den.

156	Deposit—dep.
157	Deposited—depd.
158	Deposition—depstn.
159	Depository—depsty.
160	Deputy—dep.
161	Devisee—dev.
162	Discharge—disch.
163	Discharged—dischd.
164	Discharge in bankruptcy—disch bankr.
165	Disclaimer—disclr.
166	Dismiss—dis.
167	Dismissed—disd.
168	Dissolution—dissln.
169	Dissolve—diss.
170	Dissolved—dissd.
171	Distress for rent—distr rent.
172	Distress warrant—distr war.
173	Distribution—distrbn.
174	District—distr.
175	Divorce—div.
176	Domain—dom.
177	E.
178	Ejectment—ejctmt.
179	Eminent—em.
180	Eminent domain—em dom.
181	Entered—ent.
182	Entering—entg.
183	Equity—eq.
184	Error—er.

212

G.

213

Garnishee—garn.

214

Garnishee's—garn's.

215

Garnishees—garns.

216

Garnishees'—garns'.

217

Garnishment—garnmt.

218

General—gen.

219

General execution—gen execn.

220

General and special execution—gen & spec execn.

221

Granted—grtd.

222

Grounds—grds.

223

Guardian—guard.

224

Guardianship—guardp.

225

Guilty—g.

226

H.

227

Habeas corpus—hab corp.

228

Heard—hd.

229

Hearing—hrg.

230

Homestead—homstd.

231

House of correction—h of c.

232

I

233

Illinois—Ill.

234

Impaneled—impnld.

235

Imprisonment—imprist.

236

Information—inform.

237

Inhabitants—inhabts.

238

Injunction—injunc.

239

Insane—insn.

- 240 Inspection—inspen.
 241 Instanter—instr.
 242 Interlocutory—intrly.
 243 Interlocutory injunction—intrly injune.
 244 Interlocutory order—intrly ord.
 245 Interrogatory—interty.
 246 Interrogatories—intertys.
 247 Intervener—intvnr.
 248 Intervener's—intvnr's.
 249 Interveners—intvnrs.
 250 Interveners'—intvnrs'.
 251 Intervention—intvntn.
 252 Inventory—invnty.
 253 Issue—iss.
 254 Issued—issd.
 255 J.
 256 Judge—jdg.
 257 Judgment—judg.
 258 Judicial notice—jud not.
 259 Jurisdiction—jurisdn.
 260 Juror—jr.
 261 Jurors—jrs.
 262 Jury—j.
 263 Justification—justfcn.
 264 L.
 265 Leave—lv.
 266 Legatee—legt.
 267 Liberum tenementum—lib tentm.
 268 License—licns.

269	M.
270	Maintenance—maint.
271	Mandamus—mand.
272	Mandatory injunction—mandty injunc.
273	Master—mast.
274	Master's report—mast rep, or rep of mast.
275	Merits—mer.
276	Misjoinder—misjdr.
277	Mortgage—mortg.
278	Motion—mo.
279	Multifariousness—multfns.
280	Municipal—munic.
281	Municipal court—munic ct.

282	N.
283	Ne exeat—ne ex.
284	New trial—n tr.
285	Nolle prosequi—nol pros.
286	Non cepit—non cep.
287	Non compos mentis—non comp men.
288	Non damnificatus—non damfts.
289	Non detinet—non det.
290	Non est factum—non est fact.
291	Non-residence—non-res.
292	Not guilty—not g.
293	Notice—not.
294	Notice by publication—not pub.
295	Nul tiel record—nul tiel rec.

296

O.

297 Objection—objtn.

298 Objections—objtns.

299 Official—offl.

300 Official receiver—offl rec.

301 Order—ord.

302 Ordered—ordd.

303 Ordinance—ordnc.

304 Original—orig.

305 Overruled—overr.

306

P.

307 Paid—pd.

308 Paragraph—par.

309 Partial—part.

310 Partition—partn.

311 Peace proceeding—pc proc.

312 Penitentiary—penty.

313 People—peo.

314 Performance—perfmc.

315 Person—pers.

316 Personal—persl.

317 Personal service—persl serv.

318 Petition—pet.

319 Petition for change of venue—pet ch ven.

320 Petition for citation to garnishee—pet cit garn.

321 Petition for rehearing—pet rehrg.

322 Petition for intervention—pet intrvn.

323 Petitioner—petnr.

- 324 Petitioner's—petnr's.
- 325 Petitioners—petnrs.
- 326 Petitioners'—petnrs'.
- 327 Plaintiff—plff.
- 328 Plaintiff's—plff's.
- 329 Plaintiffs—plffs.
- 330 Plaintiffs'—plffs'.
- 331 Plead—pld.
- 332 Pleadings—pldgs.
- 333 Pluries summons—plur sums.
- 334 Pluries writ—plur wr.
- 335 Possession—poss.
- 336 Praecipe—praec.
- 337 Prejudice of judge—prej jdg.
- 338 Present—prest.
- 339 President—pres.
- 340 Preventive injunction—prev injunc.
- 341 Principal—princ.
- 342 Probate—prob.
- 343 Probate court—prob ct.
- 344 Probate appeal—prob app.
- 345 Proceeding—proc.
- 346 Pro confesso—pro conf.
- 347 Proof—prf.
- 348 Proofs—prfs.
- 349 Proof of publication of notice—prf pub not.
- 350 Property—prop.
- 351 Property in defendant—prop in deft.
- 352 Property in third person—prop in third pers.

353

Q.

354

Quash—qu.

355

Quashed—qud.

356

Quashing—qug.

357

Quasi criminal—quasi crim.

358

Quo warranto—quo warr.

359

Quarterly installments—quartly installs.

360

R.

361

Railroad—r r.

362

Receiver—recr.

363

Recognizance—recoge.

364

Recognize—recog.

365

Record—rec.

366

Redemption—redempn.

367

Re-examination—re-exam.

368

Reformatory—rfrmty.

369

Rehearing—rehrg.

370

Rejoinder—rejndr.

371

Relator—reltr.

372

Remand—rem.

373

Remanded—remd.

374

Replevin—replvn.

375

Replication—replen.

376

Report—rep.

377

Report of master—rep of mast, or mast rep.

378

Report of proceedings—rep proc.

379

Report of receiver—rep recr.

380

Respondent—respnt.

- 409 Statement of claim—st cl.
- 410 Statement of intervener's claim—st intvnr's cl.
- 411 Statement of ultimate facts—st ult facts.
- 412 Statute—stat.
- 413 Statute of frauds—stat frds.
- 414 Statute of limitations—stat lim.
- 415 Stay of proceedings—stay proc.
- 416 Stay order—stay ord.
- 417 Stipulation—stip.
- 418 Stricken—strkn.
- 419 Subject-matter—subj-mat.
- 420 Subpœna—subp.
- 421 Substituted—substd.
- 422 Substitution—substn.
- 423 Suggest—sug.
- 424 Suggested—sugtd.
- 425 Summons—sums.
- 426 Superior court—super ct.
- 427 Superior court of Cook county—super ct Cook co.
- 428 Supersedeas—supsds.
- 429 Supplemental bill—suppl bl.
- 430 Supplementary proceedings—supply proc.
- 431 Supreme court—sup ct.
- 432 Supreme court of the United States—sup ct U. S.
- 433 Surety—sury.
- 434 Sureties—surys.
- 435 Surrender—surr.
- 436 Sustained—sustd.

437

T.

438 Tax proceeding—tax proc.

439 Tender—tend.

440 Testament—test.

441 Transcript—trnspt.

442 Transmitted—transmtd.

443 Trial—tr.

444 Trial by the court—tr by ct.

445 Trial by jury—tr by j.

446 Trespass—tresp.

447 Trustee—trust.

448

V.

449 Vacate—vac.

450 Venditio rei exponas—vend rei exp.

451 Venue—ven.

452 Verdict—verd.

453

W.

454 Waiver—wavr.

455 Want of consideration—wt consid.

456 Want of jurisdiction—wt jursdn.

457 Want of prosecution—wt pros.

458 Warrant—war.

459 Warrants—wars.

460 Witness—witn.

461 Witnesses—witns.

462 Workhouse—workh.

463 Writ—wr.

464 Writ of attachment—wr attach.

- 465 Writ of habeas corpus—**wr hab corp.**
 466 Writ of ne exeat—**wr ne ex.**
 467 Writ of possession—**wr poss.**
 468 Writ of replevin—**wr replvn.**
 469 Writ of restitution—**wr rest.**
 470 Writ of retorno habendo—**wr ret hab.**

Sec. 1936. ILLUSTRATIONS OF ABBREVIATIONS OF MISCELLANEOUS MATTERS.] The following will serve as illustrations of the abbreviations of entries of miscellaneous matters in the register and minute book in accordance with the provisions of this Act:

(1)

Praeipie, statement of claim, and affidavit of claim filed.

ABBREVIATION.

Praec. st cl & aff cl fld.

(2)

Praeipie and affidavit filed and attachment bond for \$2,000, with John Doe as principal, William Doe and Henry Doe, as sureties, filed and approved and attachment writ issued for the appearance of the defendant February 19, 1908.

ABBREVIATION.

Praec & aff fld & attach bd \$2000 John Doe princ Wm Doe & Henry Doe surys fld & apprvd & attach wr issd for app deft Feb. 19, 1908.

(3)

Attachment writ filed returned duly served and executed.

ABBREVIATION.

Attach wr fld ret'd due serv & exced.

(4)

Defendant's appearance, specification of defenses, affidavit denying grounds of attachment and demand for trial by jury filed.

23

ABBREVIATION.

24

Deft's app, spec defs, aff deng grds attach & demd j tr fld.

25

(5)

26

27

28

29

Trial by jury. Verdict for defendant as to attachment and for plaintiff as to merits and plaintiff's damages assessed at \$300. Judgment on verdict in favor of defendant quashing attachment and for plaintiff against defendant for \$300 and costs.

30

ABBREVIATION.

31

32

J tr. Verd for deft as to attach & for plff as to mer & plff's das assd \$300. Judg on verd for deft qug attach & for plff v deft \$300 & costs.

33

(6)

34

35

Motion of plaintiff for additional time to tender report of proceedings filed and entered.

36

ABBREVIATION.

37

Mo plff addl time for rep proc fld & ent.

38

(7)

39

40

Plaintiff allowed thirty days additional time for tendering report of proceedings.

41

ABBREVIATION.

42

Plff alld 30 days addl time for rep proc.

43

(8)

44

Motion of plaintiff for appointment of receiver filed and entered.

45

ABBREVIATION.

46

Mo plff appnt rec fld & ent.

47

(9)

48

Motion of defendant for a change of venue filed, entered and denied.

49

ABBREVIATION.

50

Mo plff ch ven fld, ent & den.

(10)

Motion by plaintiff for leave to amend bill of complaint.

ABBREVIATION.

Mo plff lv to amd bl complt.

(11)

Motion by defendant for leave to file amended cross bill.

ABBREVIATION.

Mo deft lv to fl amdd cr bl.

(12)

Motion by plaintiff for a rule on defendant.

ABBREVIATION.

Mo plff rl on deft.

(13)

Motion by defendant to quash information filed, entered and overruled.

ABBREVIATION.

Mo deft qu inform fld, ent & overr.

Sec. 1937. FORMS OF VERDICTS IN CIVIL, ETC., ACTIONS, WITH ABBREVIATIONS.]

The following forms of verdicts in actions at law, other than criminal actions and quasi criminal actions brought for the recovery of fines or penalties for the violation of ordinances of municipal corporations, together with the abbreviated forms for the entry thereof in the register and minute book, shall be deemed sufficient and shall be taken as furnishing suggestions from which other forms of verdicts in such actions may be properly framed and abbreviated.

1. FOR PLAINTIFF WITH DAMAGES IN ACTION FOR MONEY OTHER THAN ATTACHMENT.

We, the jury, find for the plaintiff and assess his damages at five hundred dollars (\$500).

ABBREVIATED FORM.

Verd for plff \$500 das.

2. FOR DEFENDANT WITHOUT DAMAGES IN ACTION FOR MONEY OTHER THAN
ATTACHMENT.

We, the jury, find for the defendant.

ABBREVIATED FORM.

Verd for deft.

3. FOR DEFENDANT WITH DAMAGES IN ACTION FOR MONEY OTHER THAN ATTACH-
MENT.

We, the jury, find for the defendant and assess his damages at five hundred
dollars (\$500).

ABBREVIATED FORM.

Verd for deft \$500 das.

4. FOR PLAINTIFF AS TO ONE DEFENDANT AND AGAINST PLAINTIFF AS TO ANOTHER
DEFENDANT IN ACTION FOR MONEY OTHER THAN ATTACHMENT.

We, the jury, find for the plaintiff as against the defendant Richard Roe
and assess plaintiff's damages at \$500, and we find against the plaintiff as to
the defendant Henry Roe.

ABBREVIATED FORM.

Verd for plff v deft Richard Roe \$500 das & for deft Henry Roe v plff.

5. FOR PLAINTIFF IN ATTACHMENT, EITHER WHEN THERE IS NO ISSUE AS TO
THE ATTACHMENT, OR WHEN BOTH ISSUES ARE FOUND IN PLAINTIFF'S FAVOR.

We, the jury, find for the plaintiff and assess his damages at five hundred
dollars (\$500).

ABBREVIATED FORM.

Verd for plff \$500 das.

6. FOR PLAINTIFF IN ATTACHMENT WHEN THE FINDING IS IN HIS FAVOR AS TO
THE MERITS, BUT AGAINST HIM AS TO THE ATTACHMENT.

We, the jury, find for the plaintiff as to the merits and in favor of the de-
fendant as to the attachment, and we assess the plaintiff's damages at five
hundred dollars (\$500).

ABBREVIATED FORM.

Verd for plff on mer \$500 das & for deft as to attach.

7. FOR DEFENDANT IN ATTACHMENT WHEN THE FINDING IS IN HIS FAVOR AS TO THE MERITS, WITHOUT DAMAGES, EITHER WHEN THERE IS OR WHEN THERE IS NOT AN ISSUE AS TO THE ATTACHMENT.

We, the jury, find for the defendant.

ABBREVIATED FORM.

Verd for deft.

8. FOR DEFENDANT IN ATTACHMENT, WITH DAMAGES, WHEN THE FINDING IS IN HIS FAVOR AS TO THE MERITS WITH DAMAGES, EITHER WHEN THERE IS OR WHEN THERE IS NOT AN ISSUE AS TO THE ATTACHMENT.

We, the jury, find for the defendant and assess his damages at five hundred dollars (\$500).

ABBREVIATED FORM.

Verd for deft \$500 das.

9. FOR PLAINTIFF AND AGAINST GARNISHEE IN ATTACHMENT.

We, the jury, find against the garnishee, William Roe, and assess the damages at five hundred dollars (\$500).

ABBREVIATED FORM.

Verd v garn Wm Roe \$500 das.

10. FOR GARNISHEE IN ATTACHMENT.

We, the jury, find in favor of the garnishee, William Roe.

ABBREVIATED FORM.

Verd for garn Wm Roe.

11. FOR PLAINTIFF IN TRIAL OF RIGHT OF PROPERTY AS TO ALL THE PROPERTY.

We, the jury, find for the plaintiff.

ABBREVIATED FORM.

Verd for plff.

12. FOR DEFENDANT IN TRIAL OF RIGHT OF PROPERTY AS TO ALL THE PROPERTY.

We, the jury, find for the defendant.

ABBREVIATED FORM.

Verd for deft.

13. FOR PLAINTIFF IN TRIAL OF RIGHT OF PROPERTY AS TO PART OF PROPERTY

AND DEFENDANTS AS TO REMAINDER.

We, the jury, find for the plaintiff as to the bay horse with white star in forehead and for the defendants as to the remainder of the property claimed.

ABBREVIATED FORM.

Verd for plff as to bay horse white star in forehead & for defts as to bal prop.

14. FOR PLAINTIFF IN MANDAMUS, QUO WARRANTO, ACTIONS ON RECOGNIZANCES

AND ACTIONS OF BASTARDY.

We, the jury, find for the plaintiff.

ABBREVIATED FORM.

Verd for plff.

15. FOR DEFENDANT IN LAST MENTIONED ACTIONS.

We, the jury, find for the defendant.

ABBREVIATED FORM.

Verd for deft.

16. IN FAVOR OF THE VALIDITY OF THE WILL IN ACTION TO CONTEST LAST WILL

AND TESTAMENT.

We, the jury, find in favor of the will.

ABBREVIATED FORM.

Verd for will.

96 17. AGAINST THE VALIDITY OF THE WILL IN ACTION TO CONTEST LAST WILL AND
97 TESTAMENT.

98 We, the jury, find against the will.

99 ABBREVIATED FORM.

100 Verd against will.

101 18. FOR PLAINTIFF IN FORCIBLE DETAINER AS TO ALL THE PREMISES WITHOUT
102 RENT OR DAMAGES.

103 We, the jury, find for the plaintiff.

104 ABBREVIATED FORM.

105 Verd for plff.

106 19. FOR PLAINTIFF IN FORCIBLE DETAINER AS TO ALL THE PREMISES WITH RENT
107 OR DAMAGES.

108 We, the jury, find for the plaintiff for possession and rent and assess the
109 rent (or damages, as the case may be) at five hundred dollars (\$500).

110 ABBREVIATED FORM.

111 Verd for plff for poss & rent (or das) \$500.

112 20. FOR PLAINTIFF IN FORCIBLE DETAINER AS TO PART OF PREMISES WITHOUT
113 RENT OR DAMAGES AND AS TO DEFENDANT FOR BALANCE OF PREMISES.

114 We, the jury, find for the plaintiff as to Lot one in Block Two in the City
115 of Joliet, and for the defendant as to the remainder of the property claimed.

116 ABBREVIATED FORM.

117 Verd for plff for Lot 1 Bl 2 city of Joliet & for deft as to bal prop.

118 21. FOR DEFENDANT IN FORCIBLE DETAINER AS TO BOTH THE PREMISES AND RENT
119 OR DAMAGES.

120 We, the jury, find for the defendant.

121 ABBREVIATED FORM.

122 Verd for deft.

123 22. FOR PLAINTIFF IN FORCIBLE DETAINER AS TO THE PREMISES AND FOR DE-
124 FENDANT AS TO RENT OR DAMAGES.

125 We, the jury, find for the plaintiff as to the premises and for defendant
126 as to the rent (or damages, as the case may be).

127 ABBREVIATED FORM.

128 Verdict for plaintiff for possession & for defendant as to rent (or damages).

129 23. FOR PLAINTIFF IN REPLEVIN WHEN DEFENDANT IS GUILTY OF UNLAWFUL
130 TAKING OR DETENTION AND THE RIGHT OF PROPERTY IS IN THE PLAINTIFF.

131 We, the jury, find the defendant guilty, with one cent damages, and that
132 the right to the property replevied is in the plaintiff.

133 ABBREVIATED FORM.

134 Verd deft g & right prop in plff & 1 cent das.

135 24. FOR DEFENDANT IN REPLEVIN AS TO THE UNLAWFUL TAKING OR DETENTION
136 AND FOR THE PLAINTIFF AS TO THE RIGHT OF THE PROPERTY.

137 We, the jury, find the defendant not guilty and that the right to the prop-
138 erty is in the plaintiff.

139 ABBREVIATED FORM.

140 Verd deft not g & right prop in plff.

141 25. FOR DEFENDANT IN REPLEVIN AS TO THE UNLAWFUL TAKING AND DETEN-
142 TION AND AS TO THE RIGHT TO THE PROPERTY.

143 We, the jury, find the defendant not guilty and that the right to the prop-
144 erty replevied is in the defendant.

145 ABBREVIATED FORM.

146 Verd deft not g & right prop in deft.

Sec. 1938. FORMS OF JUDGMENTS IN CIVIL ACTIONS AT LAW.] The following

2 forms of judgments in civil actions at law written out in full, together with the

3 abbreviated forms thereof hereinbefore provided for, shall be deemed sufficient

4 and shall be taken as furnishing suggestions from which other forms of judg-

5 ments in civil actions at law may be properly framed and abbreviated:

1. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY DEFAULT.

IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

8	John Doe	} Contract. No. 315.
9	v.	
10	Richard Roe.	
		February 10, 1908.
		Before Hon. David Brown, Judge.

This day, the court having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons, it is considered by the court in accordance with the default and assessment of damages herein that the plaintiff have and recover of the defendant five hundred dollars (\$500) and the costs of the action.

ABBREVIATED FORM.

Dft judg persl serv on assmt das for plff v deft \$500 & costs.

2. FORM OF MONEY JUDGMENT FOR PLAINTIFF UPON VERDICT OF JURY.

IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

20	John Doe	} Contract. No. 315.
21	v.	
22	Richard Roe.	
		February 10, 1908.
		Before Hon. David Brown, Judge.

This day, the court having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons and the appearance of the defendant, it is considered by the court in accordance with the verdict of the jury herein that the plaintiff have and recover of the defendant five hundred dollars (\$500) and his costs of the action.

ABBREVIATED FORM.

Judg persl serv & app on verd for plff v deft \$500 & costs.

3. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY DEFAULT UPON PERSONAL SERVICE IN ATTACHMENT.

IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

33	John Doe	} Attachment. No. 215.
34	v.	
35	Richard Roe.	
		February 10, 1908.
		Before Hon. David Brown, Judge.

This day, the court having jurisdiction of the subject-matter of this action

37 and of the person of the defendant by service of the writ of attachment, it is
 38 considered by the court in accordance with the default and assessment of dam-
 39 ages herein that the plaintiff have and recover of the defendant five hundred
 40 dollars (\$500) and the costs of the action.

41 ABBREVIATED FORM.

42 Dft judg persl serv on assmt das for plff v deft \$500 & costs.

43 4. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY DEFAULT ON NOTICE BY PUB-
 44 LICATION IN ATTACHMENT.

45 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

46 John Doe	}	Attachment. No. 215.
47 v.		February 10, 1908.
48 Richard Roe.		Before Hon. David Brown, Judge.

49 This day, the court having jurisdiction of the subject-matter of this action
 50 and of the person of the defendant by publication of notice only, it is considered
 51 by the court in accordance with the default and assessment of damages herein
 52 that the plaintiff have and recover of the defendant five hundred dollars (\$500)
 53 and the costs of the action.

54 ABBREVIATED FORM.

55 Dft judg not pub on assmt das for plff v deft \$500 & costs.

56 5. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY DEFAULT AGAINST ONE OF SEV-
 57 ERAL DEFENDANTS UPON SERVICE OF SUMMONS.

58 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

59 John Doe	}	Contract. No. 310.
60 v.		February 10, 1908.
61 Richard Roe et al.		Before Hon. David Brown, Judge.

62 This day, the court having jurisdiction of the subject-matter of this action
 63 and of the person of the defendant Richard Roe by service of summons, it is
 64 considered by the court in accordance with the default and assessment of dam-
 65 ages herein that the plaintiff have and recover of the said defendant Richard
 66 Roe five hundred dollars (\$500) and the costs of the action.

ABBREVIATED FORM.

Dft judg persl serv on assmt das for plff v deft Richard Roe \$500 & costs.

6. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY DEFAULT AGAINST TWO DEFENDANTS IN ATTACHMENT, ONE SERVED WITH WRIT AND THE OTHER NOTIFIED BY PUBLICATION.

IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS.

John Doe	}	Attachment. No. 205.
v.		February 10, 1908.
Richard Roe et al.		Before Hon. David Brown, Judge.

This day, the court having jurisdiction of the subject-matter of this action and of the person of the defendant Richard Roe by service of summons and of the person of the defendant Henry Roe by publication of notice, it is considered by the court in accordance with the default and assessment of damages herein that the plaintiff have and recover of the defendants five hundred dollars (\$500) and the costs of the action.

ABBREVIATED FORM.

Dft judg on assmt das for plff v. deft Richard Roe persl serv and deft Henry Roe not pub \$500 & costs.

7. FORM OF MONEY JUDGMENT FOR PLAINTIFF ON VERDICT OF JURY AGAINST ONE DEFENDANT DEFENDING AS ADMINISTRATRIX AND THE OTHER DEFENDING INDIVIDUALLY.

IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS.

John Doe	}	Contract. No. 201. February 10, 1908. Before Hon. David Brown, Judge.
v.		
Mary Roe, as administratrix of the		
estate of Richard Roe, deceased, et al.		

This day, the court having jurisdiction of the subject-matter of this action and of the persons of the defendants Mary Roe, as administratrix of the estate of Richard Roe, deceased, and Henry Roe, by service of summons and the appearance of the defendants, it is considered by the court in accordance with the

97 verdict of the jury herein that the plaintiff have and recover of the said defend-
 98 ant Mary Roe, as administratrix of the estate of Richard Roe, deceased, and of
 99 the defendant Henry Roe five hundred dollars and his costs of the action.

100

ABBREVIATED FORM.

101 Judg persl serv & app on verd for plff v deft Mary Roe as admrx etc and
 102 deft Henry Roe \$500 & costs.

103 8. FORM OF JUDGMENT FOR DEFENDANT ON THE MERITS ON VERDICT OF JURY,
 104 WHEN THERE IS NO PLEA OF SET-OFF AND THE ACTION IS TO RECOVER MONEY ONLY.

105

IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

106 John Doe	}	Contract. No. 315.
107 v.		February 10, 1908.
108 Richard Roe.		Before Hon. David Brown, Judge.

109 This day, the court having jurisdiction of the subject-matter of this action
 110 and of the person of the defendant by service of summons and the appearance
 111 of the defendant, it is considered by the court in accordance with the verdict of
 112 the jury herein that the plaintiff take nothing by his action and that the de-
 113 fendant have and recover of the plaintiff his costs of the action.

114

ABBREVIATED FORM.

115 Judg on verd for deft v plff for costs.

116 9. FORM OF JUDGMENT FOR DEFENDANT ON THE MERITS ON VERDICT OF JURY,
 117 WHEN THERE IS A PLEA OF SET-OFF AND THE ACTION IS TO RECOVER MONEY ONLY.

118

IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

119 John Doe	}	Contract. No. 315.
120 v.		February 10, 1908.
121 Richard Roe.		Before Hon. David Brown, Judge.

122 This day, the court having jurisdiction of the subject-matter of this action
 123 and of the person of the defendant by service of summons and the appearance
 124 of the defendant, it is considered by the court in accordance with the verdict of
 125 the jury herein that the defendant have and recover of the plaintiff five hundred
 126 dollars (\$500) and his costs of the action.

127

ABBREVIATED FORM.

128 Judg on verd for deft v plff \$500 & costs.

129 10. FORM OF MONEY JUDGMENT FOR PLAINTIFF AGAINST ONE DEFENDANT AND
 130 FOR ONE DEFENDANT FOR COSTS AGAINST THE PLAINTIFF UPON VERDICT OF JURY.

131 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

132 John Doe	}	Tort. No. 201.
133 v.		February 10, 1908.
134 Richard Roe et al.		Before Hon. David Brown, Judge.

135 This day, the court having jurisdiction of the subject-matter of this action
 136 and of the person of the defendants. Richard Roe and Henry Roe, by service
 137 of summons and the appearance of the defendants, it is considered by the court
 138 in accordance with the verdict of the jury herein that the plaintiff have and re-
 139 cover of the defendant Richard Roe the sum of five hundred dollars (\$500) and
 140 his costs of the action, and that the defendant Henry Roe go hence without day
 141 and that he have and recover of the plaintiff his costs of the action.

142 ABBREVIATED FORM.

143 Judg pers serv & app on verd for plff v deft Richard Roe \$500 & costs &
 144 for deft Henry Roe v plff for costs.

145 11. FORM OF MONEY JUDGMENT FOR PLAINTIFF UPON FINDING BY COURT.

146 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

147 John Doe	}	Contract. No. 315.
148 v.		February 10, 1908.
149 Richard Roe.		Before Hon. David Brown, Judge.

150 This day, the court having jurisdiction of the subject-matter of this action
 151 and of the person of the defendant by service of summons and the appearance
 152 of the defendant, it is considered by the court in accordance with the finding of
 153 the court herein that the plaintiff have and recover of the defendant five hun-
 154 dred dollars (\$500) and his costs of the action.

155 ABBREVIATED FORM.

156 Judg persl serv on fndg for plff v deft \$500 & costs.

157 12. FORM OF MONEY JUDGMENT FOR PLAINTIFF BY CONFESSION UNDER WARRANT
158 OF ATTORNEY.

159 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

160 John Doe	}	Confession. No. 106.
162 v.		February 10, 1908.
163 Richard Roe.		Before Hon. David Brown, Judge.

163 This day, the court having jurisdiction of the subject-matter of this action,
164 it is considered by the court in accordance with the confession by the defendant
165 under his warrant of attorney, that the plaintiff have and recover of the de-
166 fendant the sum of five hundred dollars (\$500) and his costs of the action.

167 ABBREVIATED FORM.

168 Confessn judg for plff v deft \$500 & costs.

169 13. FORM OF JUDGMENT FOR PLAINTIFF FOR POSSESSION AND RENT OR DAMAGES
170 BY CONFESSION IN FORCIBLE DETAINER.

171 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

172 John Doe	}	Forcible Detainer. No. 75.
173 v.		February 10, 1908.
174 Richard Roe.		Before Hon. David Brown, Judge.

175 This day, the court having jurisdiction of the subject-matter of this action,
176 it is considered by the court in accordance with the confession by the defendant
177 under his warrant of attorney that the plaintiff have and recover of the defend-
178 ant possession of the north one-half ($1\frac{1}{2}$) of Lot one (1), in Block ten (10), in
179 the city of Ottawa, LaSalle county, Illinois, and also one hundred dollars
180 (\$100) rent and his costs of the action.

181 ABBREVIATED FORM.

182 Confessn judg for plff v deft for poss N $1\frac{1}{2}$ Lot 1 Bl 10, Ottawa, Ill., & \$100
183 rent & costs.

184 14. FORM OF JUDGMENT BY DEFAULT FOR PLAINTIFF FOR POSSESSION AND RENT
 185 IN FORCIBLE DETAINER.

186 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

187 John Doe	}	Forcible Detainer. No. 27..
188 v.		February 10, 1908.
189 Richard Roe.		Before Hon. David Brown, Judge.

190 This day, the court having jurisdiction of the subject-matter of this action
 191 and of the person of the defendant by service of summons, it is considered by
 192 the court in accordance with the default and assessment of damages herein that
 193 the plaintiff have and recover of the defendant possession of Lot one (1), in
 194 Block ten (10) in the city of Ottawa, LaSalle county, Illinois, and one hundred
 195 dollars (\$100) rent and the costs of the action.

196 ABBREVIATED FORM.

197 Deflt judg persl serv on assmt das for plff v deflt for poss Lot 1 Bl 10,
 198 Ottawa, Ill., & \$100 rent & costs.

199 15. FORM OF JUDGMENT FOR PLAINTIFF FOR POSSESSION AND RENT UPON VER-
 200 DICT OF JURY IN ACTION OF FORCIBLE DETAINER.

201 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

202 John Doe	}	Forcible Detainer. No. 17.
203 v.		February 10, 1908.
204 Richard Roe.		Before Hon. David Brown, Judge.

205 This day, the court having jurisdiction of the subject-matter of this action
 206 and of the person of the defendant by service of summons and the appearance
 207 of the defendant, it is considered by the court in accordance with the verdict
 208 of the jury herein that the plaintiff have and recover of the defendant posses-
 209 sion of Lot one (1), in Block ten (10), in the city of Ottawa, LaSalle county,
 210 Illinois, and one hundred dollars (\$100) rent and his costs of the action.

ABBREVIATED FORM.

211 Judg persl serv on verd for plff v deflt for poss Lot 1 Bl 10, Ottawa, Ill.,
 212 & \$100 rent & costs.

213 16. FORM OF JUDGMENT IN FORCIBLE DETAINER UPON VERDICT OF JURY IN FAVOR
 214 OF PLAINTIFF AS TO PART OF PREMISES AND IN FAVOR OF DEFENDANT AS TO REMAINDER
 215 OF PREMISES.

216 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

217 John Doe	}	Forcible Detainer. No. 17.
218 v.		February 10, 1908.
219 Richard Roe.		Before Hon. David Brown, Judge.

220 This day, the court having jurisdiction of the subject-matter of this action
 221 and of the person of the defendant by service of summons and the appearance
 222 of the defendant, it is considered by the court in accordance with the verdict
 223 of the jury herein that the plaintiff have and recover of the defendant the North
 224 one-half ($\frac{1}{2}$) of Lot one (1), in Block ten (10), in the city of Ottawa, in the
 225 county of LaSalle, and State of Illinois, and his costs of the action and that as
 226 to the South one-half ($\frac{1}{2}$) of said Lot one (1), in Block ten (10), in said city of
 227 Ottawa the defendant go hence without day.

228 ABBREVIATED FORM.

229 Judg persl serv on verd for plff v deft for poss N $\frac{1}{2}$ Lot 1 Bl 10, Ottawa,
 230 Ill., & costs & for deft v plff as to S $\frac{1}{2}$ said lot.

231 17. FORM OF JUDGMENT FOR DEFENDANT BOTH AS TO POSSESSION OF PREMISES
 232 AND RENT UPON VERDICT OF JURY IN ACTION OF FORCIBLE DETAINER.

233 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

234 John Doe	}	Forcible Detainer. No. 21.
235 v.		February 10, 1908.
236 Richard Roe.		Before Hon. David Brown, Judge.

237 This day, the court having jurisdiction of the subject-matter of this action
 238 and of the person of the defendant by service of summons and the appearance
 239 of the defendant, it is considered by the court in accordance with the verdict of
 240 the jury herein that as to the possession of the premises described in the
 241 plaintiff's claim the defendant go hence without day and that the plaintiff take

242 nothing by his claim for rent and that the defendant have and recover of the
 243 plaintiff his costs of the action.

244 ABBREVIATED FORM.

245 Judg on verd for deft v plff for costs.

246 18. FORM OF JUDGMENT IN REPLEVIN BY DEFAULT IN FAVOR OF PLAINTIFF ON
 247 PERSONAL SERVICE.

248 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

249 John Doe	}	Replevin. No. 25.
250 v.		February 10, 1908.
251 Richard Roe.		Before Hon. David Brown, Judge.

252 This day, the court having jurisdiction of the subject-matter of the action
 253 and of the person of the defendant by service of the writ, it is considered by
 254 the court in accordance with the default and assessment of damages herein, that
 255 the plaintiff have and retain the property replevied and that he have and re-
 256 cover of the defendant one cent damages and his costs of the action.

257 ABBREVIATED FORM.

258 Judg persl serv on assmt das for plff v deft 1 cent & costs.

259 19. FORM OF JUDGMENT IN REPLEVIN BY DEFAULT IN FAVOR OF PLAINTIFF ON
 260 NOTICE BY PUBLICATION.

261 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

262 John Doe	}	Replevin. No. 15.
263 v.		February 10, 1908.
264 Richard Roe.		Before Hon. David Brown, Judge.

265 This day, the court having jurisdiction of the subject-matter of the action
 266 and of the person of the defendant by publication of notice, it is considered by
 267 the court, in accordance with the default and hearing of the evidence herein
 268 that the plaintiff have and retain the property replevied.

269 ABBREVIATED FORM.

270 Dft judg not pub on hrg ev for plff v deft.

274	John Doe	} Replevin. No. 18. February 10, 1908. Before Hon. David Brown, Judge.
275	v.	
276	Richard Roe et al.	

283 ABBREVIATED FORM.

286 21. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF PLAINT-
287 IFF FOR ALL OF PROPERTY REPLEVIED.

289 John Doe	} Replevin. No. 19.	
290 v.		February 10, 1908.
291 Richard Roe.		Before Hon. David Brown, Judge.

298 ABBREVIATED FORM.

299 Judg persl serv & app on verd for plff v deft 1 cent & costs.

300 22. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY AS TO PART OF PROP-
 301 ERTY REPLEVIED AND IN FAVOR OF DEFENDANT AS TO REMAINDER OF PROPERTY RE-
 302 PLEVIED.

303 IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS.

304 John Doe	}	Replevin. No. 19.
305 v.		February 10, 1908.
306 Richard Roe.		Before Hon. David Brown, Judge.

307 This day, the court having jurisdiction of the subject-matter of this action
 308 and of the person of the defendant by service of the writ and the appearance
 309 of the defendant, it is considered by the court, in accordance with the verdict of
 310 the jury herein, that the plaintiff have and retain so much of the property re-
 311 plevied as is described as follows (here describe property for which verdict is
 312 found for plaintiff), and that the defendant have return of so much of the prop-
 313 erty replevied as is described as follows (here describe property for which
 314 verdict is found for defendant) and that the plaintiff have and recover of the
 315 defendant one-half of his costs of the action.

316 ABBREVIATED FORM.

317 Judg persl serv & app on verd for plff v deft for one-half costs & for deft
 318 v plff for ret (here describe property to be returned) & costs.

319 23. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF DEFEND-
 320 ANT.

321 IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS.

322 John Doe	}	Replevin. No. 18.
323 v.		February 10, 1908.
324 Richard Roe.		Before Hon. David Brown, Judge.

325 This day, the court having jurisdiction of the subject-matter of this action
 326 and of the person of the defendant by service of the writ and the appearance of
 327 the defendant, it is considered by the court, in accordance with the verdict of
 328 the jury herein, that the defendant have return of the property replevied and
 329 recover of the plaintiff his costs of the action.

330

ABBREVIATED FORM.

331 Judg on verd for deft for ret prop & costs.

332 24. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF PLAIN-
 333 TIFF FOR PROPERTY RECOVERED BY WRIT AND FOR DAMAGES TO THE PROPERTY NOT RE-
 334 COVERED.

335 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

336 John Doe	}	Replevin. No. 15.
337 v.		February 10, 1908.
338 Richard Roe.		Before Hon. David Brown, Judge.

339 This day, the court having jurisdiction of the subject-matter of this action
 340 and of the person of the defendant by service of the writ and the appearance
 341 of the defendant, it is considered by the court, in accordance with the verdict
 342 of the jury herein, that the plaintiff retain so much of the property as was
 343 taken by the writ herein and that he have and recover of the defendant the sum
 344 of five hundred dollars (\$500) for the property not taken by the writ and his
 345 costs of the action.

346

ABBREVIATED FORM.

347 Judg persl serv & app on verd for plff v deft \$500 & costs.

348 25. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF INTER-
 349 VENER.

350 IN THE CIRCUIT COURT OF LA SALLE COUNTY, ILLINOIS.

351 John Doe	}	Replevin. No. 15.
352 v.		February 10, 1908.
353 Richard Roe.		Before Hon. David Brown, Judge.

354 This day, the court having jurisdiction of the subject matter of this action
 355 and of the person of the defendant by service of the writ and the appearance
 356 of the defendant, and John Jones having appeared as intervener herein it is
 357 considered by the court, in accordance with the verdict of the jury herein, that the
 358 said intervener, John Jones, have and recover of the plaintiff the possession of
 359 the property replevied, being (here describe property) and his costs of the action.

360

ABBREVIATED FORM.

361 Judg persl serv & app on verd for intrvnr John Jones v plff for poss (here
362 describe property) & costs.

363 26. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF PLAIN-
364 TIFF AS TO PART OF PROPERTY REPLEVIED AND IN FAVOR OF INTERVENER AS TO PART
365 AND IN FAVOR OF DEFENDANT AS TO RESIDUE.

366 IN THE CIRCUIT COURT OF LaSALLE COUNTY, ILLINOIS.

367 John Doe.	}	Replevin. No. 15.
368 v.		February 10, 1908.
369 Richard Roe.		Before Hon. David Brown, Judge.

370 This day, the court having jurisdiction of the subject-matter of this action
371 and of the person of the defendant by service of the writ and the appearance
372 of the defendant, and John Jones having intervened herein, it is considered
373 by the court in accordance with the verdict of the jury herein, that the plain-
374 tiff have and retain so much of the property replevied as is described as fol-
375 lows (here describe property for which verdict is found for the plaintiff); that
376 the said intervener, John Jones, have and recover from the plaintiff posses-
377 sion of so much of the property replevied as is described as follows (here de-
378 scribe property for which verdict is found for the intervener) and that
379 the defendant have return of so much of the property replevied as is
380 described as follows (here describe property for which verdict is found for
381 defendant) and that the costs of the action be equally divided between the
382 plaintiff and the defendant.

383

ABBREVIATED FORM.

384 Judg persl serv & app on verd for intrvnr John Jones v plff for poss
385 (here describe property) & for deft v plff for ret (here describe property) &
386 plff & deft each to pay $\frac{1}{2}$ costs.

387 27. FORM OF JUDGMENT IN REPLEVIN ON VERDICT OF JURY IN FAVOR OF PLAIN-
 388 TIFF AND AGAINST DEFENDANT AND INTERVENER AS TO ALL THE PROPERTY.

389 IN THE CIRCUIT COURT OF LASALLE COUNTY, ILLINOIS.

390 John Doe	}	Replevin. No. 15.
391 v.		February 10, 1908.
392 Richard Roe.		Before Hon. David Brown, Judge.

393 This day, the court having jurisdiction of the subject-matter of this action
 394 and of the person of the defendant by service of the writ and the appearance
 395 of the defendant, and John Jones having appeared and intervened herein, it
 396 is considered by the court, in accordance with the verdict of the jury herein,
 397 that the plaintiff have and retain the property replevied and that he have and
 398 recover one-half of his costs of the action from the defendant and the remain-
 399 ing one-half of said costs from the intervener, John Jones.

400 ABBREVIATED FORM.

401 Judg pers serv & app on verd for plff v deft & intrvnr John Jones each
 402 for ½ costs.

403 28. FORM OF JUDGMENT OF SUPREME COURT IN MANDAMUS ORDERING CANCEL-
 404 LATION OF VOID ACT OF GENERAL ASSEMBLY.

405 IN THE SUPREME COURT OF ILLINOIS.

406 John Doe	}	Mandamus. No. 214.
407 v.		January 15, 1913.
408 James A. Rose as Secretary of State.		

409 This day, the court having jurisdiction of the subject matter of this action
 410 and of the person of the defendant by service of the summons and the appear-
 411 ance of the defendant, the court overrules the demurrer of the defendant to the
 412 petition herein and thereupon, upon consideration thereof, doth declare null and
 413 void the act of the General Assembly mentioned in the petition herein entitled,
 414 (here give title of act) and doth order that the defendant cancel said act by en-
 415 dorsing upon the margin of the bill for said act certified by the president of the

senate and the speaker of the house of representatives the words "This act adjudged null and void and ordered cancelled by the supreme court January 15, 1903," said endorsement to be signed by the defendant in his official capacity as secretary of state.

420

ABBREVIATED FORM.

Judg pers serv and app on dem for plff v deft for cancellation, etc.
(Here insert reference to S. O. B. and draft on file.)

Sec. 1939. FORMS OF JUDGMENTS IN MUNICIPAL ORDINANCE ACTIONS.] The following forms of judgments written out in full in quasi criminal actions brought for the violation of municipal ordinances, together with abbreviated forms thereof, shall be deemed sufficient and shall be taken as furnishing suggestions from which other forms of judgments may be framed and abbreviated:

1. JUDGMENT UPON FINDING BY THE COURT.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

9	The City of Chicago	} Quasi Criminal. No. 40.
10	v.	
11	Richard Roe.	
		February 10, 1908.
		Before Hon. John Jones, Judge.

This day, the court having jurisdiction of the subject-matter of the action and of the person of the defendant herein by the arrest of the defendant and his appearance herein, it is considered by the court in accordance with the finding of the court herein, that the plaintiff have and recover of the defendant a fine of one hundred dollars (\$100) and the costs of the action, and that the defendant stand committed to the house of correction of the City of Chicago until said fine and costs are paid or worked out by the defendant or the defendant is discharged in accordance with law.

20

ABBREVIATED FORM.

Judg pers serv & app on fndg for plff v deft \$100 fine & costs & deft to std comtd h of c Chicago.

23 2. JUDGMENT UPON VERDICT OF JURY.

24 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

25	The City of Chicago	} Quasi Criminal. No. 40.	
26	v.		February 10, 1908.
27	Richard Roe.		Before Hon. John Jones, Judge.

28 This day, the court having jurisdiction of the subject-matter of the action
 29 and of the person of the defendant herein by the arrest of the defendant and
 30 his appearance herein, it is considered by the court, in accordance with the
 31 verdict of the jury herein, that the plaintiff have and recover of the defend-
 32 ant a fine of one hundred dollars (\$100) and the costs of the action and that
 33 the defendant stand committed to the house of correction of the City of Chi-
 34 cago until said fine and costs are paid or worked out by the defendant or the
 35 defendant is discharged in accordance with law.

36 ABBREVIATED FORM.

37 Judg pers serv & app on verd for plff v deft \$100 fine & costs & deft to
 38 std comtd h of c of Chicago.

 Sec. 1940. FORMS OF JUDGMENTS IN CRIMINAL ACTIONS.] The following
 2 forms of judgments in criminal actions written out in full, together with the
 3 abbreviated forms thereof hereinbefore provided for, shall be deemed sufficient
 4 and shall be taken as furnishing suggestions from which other forms of judg-
 5 ments in criminal actions may be properly framed and abbreviated:

6 1. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY FINE ONLY, AND
 7 DEFENDANT IS COMMITTED TO COUNTY JAIL UNTIL FINE AND COSTS ARE PAID.

8 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

9	The People of the State of Illinois	} Criminal. No. 25.	
10	v.		February 10, 1908.
11	Richard Roe.		Before Hon. John Jones, Judge.

12 This day the court, the defendant being present, doth sentence the defendant
 13 upon his plea of guilty herein to pay a fine of one hundred dollars (\$100) and

the costs of the action and doth order that he stand committed to the county jail of Cook county until the fine and costs are paid or he is discharged in accordance with law.

ABBREVIATED FORM.

Deft prest sentd on plea g \$100 fine & costs & to std comtd co jail.

2. JUDGMENT UPON PLEA OF GUILTY WHEN THE PUNISHMENT IS BY IMPRISONMENT IN THE COUNTY JAIL ONLY.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25. February 10, 1908. Before Hon. John Jones, Judge.
v.	
Richard Roe.	

This day the court, the defendant being present, doth sentence the defendant upon his plea of guilty herein to imprisonment in the county jail of Cook county for the period ninety days from and after his delivery to the keeper thereof.

ABBREVIATED FORM.

Deft prest sentd on plea g co jail 90 days.

3. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY FINE AND IMPRISONMENT IN THE COUNTY JAIL.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25. February 10, 1908. Before Hon. John Jones, Judge.
v.	
Richard Roe.	

This day the court, the defendant being present, doth sentence the defendant upon his plea of guilty herein to imprisonment in the county jail of Cook county for the period of ninety days from and after his delivery to the keeper thereof and to pay a fine of one hundred dollars (\$100) and the costs of the action, and doth order that the defendant, after the expiration of said period

42 of imprisonment, further stand committed to the county jail of Cook county
43 until the fine and costs are paid or he is discharged in accordance with law.

44

ABBREVIATED FORM.

45 Deft prest sentd on plea g co jail 90 days & \$100 fine & costs & to std
46 comtd co jail.

47

4. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY FINE ONLY, AND

48

DEFENDANT IS COMMITTED TO HOUSE OF CORRECTION UNTIL FINE AND COSTS ARE PAID.

49

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

50

The People of the State of Illinois

51

v.

52

Richard Roe.

} Criminal. No. 25.
February 10, 1908.
Before Hon. John Jones, Judge.

53

This day the court, the defendant being present, doth sentence the defend-

54

ant upon his plea of guilty herein to pay a fine of one hundred dollars (\$100)

55

and the costs of the action, and doth order that he stand committed to the

56

house of correction of the City of Chicago until the said fine and costs are

57

paid or worked out by the defendant, or the defendant is discharged in ac-

58

cordance with law.

59

ABBREVIATED FORM.

60

Deft prest sentd on plea g \$100 fine & costs & to std comtd h of c of

61

Chicago.

62

5. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY FINE AND IMPRIS-

63

ONMENT IN THE HOUSE OF CORRECTION.

64

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

65

The People of the State of Illinois

66

v.

67

Richard Roe.

} Criminal. No. 25.
February 10, 1908.
Before Hon. John Jones, Judge.

68

This day the court, the defendant being present, doth sentence the defend-

69

ant upon his plea of guilty herein to imprisonment in the house of correction

70

of the City of Chicago for the period of ninety days from and after his delivery

71

to the keeper thereof at labor for the benefit of the County of Cook and to pay

a fine of one hundred dollars (\$100) and the costs of the action, and doth order that the defendant, after the expiration of said period of imprisonment, further stand committed to said house of correction until the said fine and costs are paid or worked out by the defendant or the defendant is discharged in accordance with law.

ABBREVIATED FORM.

Deft prest sentd on plea g h of c of Chicago 90 days & \$100 fine & costs & to st comtd h of c.

6. JUDGMENT UPON PLEA OF GUILTY WHEN THE PUNISHMENT IS BY IMPRISONMENT IN THE PENITENTIARY ONLY.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25.
v.	
Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

This day the court, the defendant being present, doth sentence the defendant upon his plea of guilty herein to imprisonment in the penitentiary for the period of three years.

ABBREVIATED FORM.

Deft prest sentd on plea g 3 years penty.

7. JUDGMENT UPON PLEA OF GUILTY WHEN THE PUNISHMENT IS BY FINE AND IMPRISONMENT IN THE PENITENTIARY AND DEFENDANT IS COMMITTED TO THE COUNTY JAIL UNTIL FINE AND COSTS ARE PAID.

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

The People of the State of Illinois	} Criminal. No. 25.
v.	
Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

This day the court, the defendant being present, doth sentence the defendant upon his plea of guilty herein to imprisonment in the penitentiary for the period of three years from and after his delivery to the warden thereof and

101 to pay a fine of one thousand dollars (\$1,000) and the costs of the action and doth
 102 order that the defendant, after the expiration of said period of imprisonment,
 103 further stand committed to the county jail of Cook county until the fine and
 104 costs are paid or he is discharged in accordance with law.

105

ABBREVIATED FORM.

106 Deft prest sentd on plea g 3 years penty & \$1,000 fine & costs & to std
 107 comtd co jail.

108 8. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY FINE AND
 109 IMPRISONMENT IN THE PENITENTIARY AND DEFENDANT IS COMMITTED TO HOUSE OF
 110 CORRECTION UNTIL FINE AND COSTS ARE PAID.

111

IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

112 The People of the State of Illinois	} Criminal. No. 25.
113 v.	
114 Richard Roe.	
	February 10, 1908.
	Before Hon. John Jones, Judge.

115 This day the court, the defendant being present, doth sentence the defend-
 116 ant upon his plea of guilty herein to imprisonment in the penitentiary for the
 117 period of three years from and after his delivery to the warden thereof and to
 118 pay a fine of one thousand dollars (\$1,000) and the costs of the action, and
 119 doth order that the defendant, after the expiration of said period of imprison-
 120 ment, further stand committed to the house of correction of the city of Chicago
 121 until the said fine and costs are paid or worked out by the defendant or the de-
 122 fendant is discharged in accordance with law.

123

ABBREVIATED FORM.

124 Deft prest sentd on plea g 3 years penty \$1,000 fine & costs & to std comtd
 125 to h of c Chicago.

126 9. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS BY IMPRISON-
 127 MENT IN THE STATE REFORMATORY.

128 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

129	The People of the State of Illinois,	}	Criminal. No. 25.
130	v.		February 10, 1908.
131	Richard Roe.		Before Hon. John Jones, Judge.

132 This day the court, the defendant being present, doth sentence the defend-
 133 ant upon his plea of guilty herein to imprisonment in the State reformatory
 134 for a period of two years from and after his delivery to the keeper thereof.

135 ABBREVIATED FORM.

136 Deft prest sentd on plea g 2 years stat rfrmty.

137 10. JUDGMENT UPON PLEA OF GUILTY WHEN PUNISHMENT IS DEATH.

138 IN THE CRIMINAL COURT OF COOK COUNTY, ILLINOIS.

139	The People of the State of Illinois	}	Criminal. No. 25.
140	v.		February 10, 1908.
141	Richard Roe.		Before Hon. John Jones, Judge.

142 This day the court, the defendant being present, doth sentence the defend-
 143 ant upon his plea of guilty herein to death by hanging.

144 ABBREVIATED FORM.

145 Deft prest sentd on plea g death.

Sec. 1941. FORMS OF DECREES IN ACTIONS IN EQUITY.] The following forms
 2 of decrees written out in full in actions in equity, together with the abbre-
 3 viated forms thereof hereinbefore provided for, so far as the same may be
 4 abbreviated and forms of minutes for the entry thereof in the register and
 5 minute book, shall be deemed sufficient and shall be taken as furnishing sug-
 6 gestions from which other forms of decrees in actions in equity may be prop-
 7 erly framed, abbreviated and minuted in the register and minute book:

1. FORM OF DECREE FOR DIVORCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

10	Mary Doe	} In Equity. No. 550.	
11	v.		February 10, 1908.
12	John Doe.		Before Hon. John Jones, Judge.

This day, the court having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons and the appearance of the defendant herein, hears the cause upon pleadings and proofs in open court and thereupon, upon consideration thereof, the court doth order, adjudge and decree as follows:

First—That the marriage between the plaintiff and the defendant be and it is hereby dissolved.

Second—That the plaintiff have the custody of the children, Mary Elizabeth Doe and Joseph Doe, until the further order of the court, the defendant to have the right to visit said children on Saturday afternoon of each week between the hours of two o'clock and four o'clock at the plaintiff's place of abode.

Third—That defendant pay to plaintiff within ten days from this date two hundred and fifty dollars (\$250) on account of the support of herself and the said children and the further sum of three hundred dollars (\$300) for and on account of her expenses incurred in the action, and that he also pay to the plaintiff on or before the first day of each month hereafter the sum of eighty dollars (\$80) for the support and maintenance of herself and the said children.

Fourth—That neither the plaintiff nor the defendant again marry within one year from this date unless they remarry each other.

Fifth—That the defendant pay the costs of the action.

ABBREVIATION.

Hrg pldgs & prfs persl serv & app & decr div, &c. [See (here insert no. of volume) S. O. B. (here insert no. of page) and draft on fl.]

2. DECREE FOR SEPARATE MAINTENANCE.

IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

Mary Doe { In Equity. No. 550.
 v. { February 10, 1908.
 John Doe. { Before Hon. John Jones, Judge.

This day, the court having jurisdiction of the subject-matter of this action and of the person of the defendant by service of summons and appearance, hears the cause upon pleadings and proofs in open court, and thereupon, upon consideration thereof, the court doth order, adjudge and decree as follows:

First—That the plaintiff is entitled to a separate maintenance from the defendant.

Second—That the plaintiff have the custody of the children, Mary Elizabeth Doe and Joseph Doe, until the further order of the court, the defendant to have the right to visit said children on Saturday afternoon of each week between the hours of two o'clock and four o'clock at the plaintiff's place of abode.

Third—That the defendant pay to the plaintiff the sum of twelve hundred dollars (\$1,200) a year, commencing with this date, in monthly installments of one hundred dollars (\$100) each, payable upon the fifteenth day of each month, for the maintenance of herself and the said children until the further order of the court.

Fourth—That this decree be and remain a lien on all real estate of the defendant until he shall have given security for its faithful performance to the satisfaction of the court or to the complainant.

Fifth—That the defendant pay the costs of this action and the further sum of five hundred dollars (\$500) for and on account of the expenses incurred by the plaintiff in the prosecution of said action.

Sixth—That either party be at liberty to apply to the court for such further orders as equity may require.

ABBREVIATION.

66

67 Hrg pldgs & prfs persl serv & app & decr sep maint (here insert refer-
 68 ence to S. O. B. & draft on file.)

69 3. FORM OF DECREE OF FORECLOSURE.

70 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

71 John Doe	}	In Equity. No. 650.
72 v.		February 10, 1908.
73 Richard Roe et al.		Before Hon. John Jones, Judge.

74 This day, the court having jurisdiction of the subject-matter of this action
 75 and of the persons of the defendants Richard Roe and Mary Roe, by service
 76 of summons and appearance, of the defendant John Smith by service of
 77 summons, and of the defendant William Jones by publication of notice, hears
 78 the cause upon the bill of complaint taken pro confesso as to the defendant
 79 John Smith and William Jones and the pleadings as to the defendants, Rich-
 80 ard Roe and Mary Roe and the master's report and evidence accompanying
 81 the same, and thereupon, upon consideration thereof, the court doth order, ad-
 82 judge and decree as follows:

83 *First*—That the defendant Richard Roe pay to the plaintiff within ten
 84 days from this date the sum of twelve hundred and fifty dollars (\$1,250),
 85 with interest at five per cent. per annum from this date, and also the costs
 86 of the action to be taxed by the clerk.

87 *Second*—That in default of such payment the mortgaged premises de-
 88 scribed in the bill of complaint, to-wit: (here describe premises), or so much
 89 thereof as may be sufficient to realize the amount required to be paid to the
 90 plaintiff as aforesaid, together with the costs of the action and the fees and
 91 expenses incurred in the making of the sale, be sold at public sale for cash in
 92 hand by George Brown, Esq., one of the masters in chancery of this court, in
 93 the manner provided by law, such sale to be subject to redemption as provided
 94 by law.

95 *Third*—That out of the proceeds of the sale, after deducting his own fees
96 and expenses, the master pay the plaintiff said sum of twelve hundred and
97 fifty dollars (\$1,250), with interest thereon at five per cent. per annum from
98 this date to the day of sale, together with the plaintiff's costs aforesaid, if
99 the proceeds of sale be sufficient for that purpose, and pay over the balance
100 then remaining to the defendant, Richard Roe, but if the proceeds of sale are
101 insufficient to make the payment aforesaid the master shall apply the same, so
102 far as they may extend for that purpose, and report to the court the amount
103 of the deficiency.

104 *Fourth*—That the master execute and deliver to the purchaser at the sale
105 a certificate of purchase as required by law.

106 *Fifth*—That the title which may be derived under and in pursuance of said
107 sale, in case there be no redemption therefrom as provided by law, shall vest
108 in the person receiving the master's deed, in pursuance thereof, a title free
109 and clear of all claims of every kind and character of any or either of the par-
110 ties to the action.

111 *Sixth*—That the master make report of his proceedings hereunder with all
112 convenient speed.

113 ABBREVIATION.

114 Hrg pro conf deft John Smith persl serv & deft William Jones not pub &
115 pldgs & prfs persl serv & app defts Richard Roe and Mary Roe & decr forecl
116 (here insert reference to S. O. B. & draft on file.)

117 4. DECREE SETTING ASIDE A DEED.

118 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

119 John Doe	} In Equity. No. 562.	
120 v.		February 10, 1908.
121 Richard Roe.		Before Hon. John Jones, Judge.

122 This day the court, having jurisdiction of the subject-matter of the action
123 and of the person of the defendant by service of summons and appearance,

133 *Second*—That the defendant pay to the plaintiff within thirty days from
134 this date the sum of two thousand dollars (\$2,000) as the rents, issues and
135 profits of said premises found by the said master to be due from the defend-
136 ant to the plaintiff, and also the costs of this action.

138 Hrg pldgs mast rep & ev pers serv & app & decr setting aside deed (here
139 insert reference to S. O. B. & draft on file.)

141 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

145 This day, the court having jurisdiction of the subject-matter of this action
146 and of the person of the defendant by service of summons and appearance,
147 hears the cause upon pleadings and proofs, and thereupon, upon considera-
148 tion thereof, the court doth order, adjudge and decree as follows:

149 *First*—That the tax deed mentioned in the plaintiff's bill of complaint pur-
150 porting to convey to the defendant the east half of the southwest quarter of
151 section five (5), in township eleven (11), range fourteen (14) east of the third
152 principal meridian, in Cook county, Illinois, and filed for record in the office

159 *Third*—That the defendant pay to the plaintiff his costs of the action.

161 Hrg pldgs & prfs persl serv & app & deer setting aside deed, &c (here in-
162 sert reference to S. O. B. & draft on file).

164 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

168 This day, the court having jurisdiction of the subject-matter of this action
169 and of the persons of the defendants by service of summons and appearance,
170 hears the cause upon the pleadings and the master's report and the evidence
171 accompanying the same, and thereupon, upon consideration thereof, the court
172 doth order, adjudge and decree as follows:

173 *First*—That the plaintiffs, John Doe and William Doe, and the defend-
174 ants, Henry Doe and Mary Doe, are each seized in fee simple of an undivided
175 one-fourth of the premises described in the bill of complaint, to-wit: the south-
176 west quarter of the northwest quarter of section ten (10), township twenty-
177 nine (29), range one (1) east of the third principal meridian, in Cook county,
178 Illinois, subject only to the dower of the defendant Jane Doe, who is entitled
179 to be endowed of one full equal third part thereof.

180 *Second*—That John Smith, John Jones and Henry Brown be **and they are**
181 hereby appointed commissioners to assign dower and make partition of said
182 **premises.**

194 *Fifth*—That if said commissioners shall find that dower cannot be assigned
195 and a division made of said premises without manifest prejudice to said par-
196 ties, they will fairly and impartially appraise the value of each piece or parcel
197 of said premises.

200 ABBREVIATION.

202 7. DECREE DECLARATORY OF RIGHTS, DUTIES AND LIABILITIES.

204 John Doe
v.
205 Richard Roe. } In Equity. No. 517.
February 10, 1908.
Before Hon. John Jones, Judge.

206 This day, the court having jurisdiction of the subject-matter of this action
207 and of the person of the defendant by service of summons and appearance,
208 hears the cause upon pleadings and proofs, and thereupon, upon consideration
209 thereof, the court doth order, adjudge and decree as follows:

210 *First*—That the defendant is in possession of the premises mentioned in the
211 plaintiff's bill of complaint, being (here describe premises) solely by virtue of
212 a lease in writing therefor executed to him on the 30th day of April, 1909, by
213 John Smith for the period commencing on the 1st day of May, 1909, and ending
214 on the thirtieth day of April, 1911.

215 *Second*—That the plaintiff is the owner in fee simple of said premises sub-
216 ject only to the rights of said defendant under said lease.

217 *Third*—That plaintiff will be entitled to enter into possession of said prem-
218 ises on the 1st day of May, 1911.

219 *Fourth*—That defendant pay to the plaintiff his costs of the action.

220 ABBREVIATION.

Hrg on pldgs & prfs & decr (here insert reference to S. O. B. & draft on
file.)

Sec. 1942. FORM OF REGISTER AND MINUTE BOOK WITH ILLUSTRATIONS OF MANNER
OF MAKING ENTRIES THEREIN.] The following form will serve as an illustration
of the manner in which the register and minute book is to be ruled and lettered
and of the manner of making entries therein, the printed lettering being indi-
cated by words in capitals or small capitals:

Sec. 1943. FORM OF PROBATE REGISTER AND MINUTE BOOK WITH ILLUSTRATION

2 OF MANNER OF MAKING ENTRIES THEREIN.] The following form will serve as an
3 illustration of the manner in which the probate register and minute book here-
4 inbefore provided for is to be ruled and lettered and of the manner of making
5 entries therein, the printed lettering being indicated by words in capitals or
6 small capitals;

TITLE OF ESTATE		NO.	CLASSIFICATION	
DATE	PAPERS FILED- WRITS ISSUED-ORDERS.		DATE	PAPERS FILED- WRITS ISSUED-ORDERS.
Richard Roe Intestate				
		150	Administration	
1908 Feb. 10	Pet Mary Roe for admrxn ftd		1909 Dec. 10	Rep admrx ftd & apprvd & bal in hands admrx \$17500 ordd
Feb. 12	Ord apptg Mary Roe admrx enld.			distributed as follows: 1-3 to widow, Mary Roe, 2-9 to son,
Feb. 12	Bond Mary Roe admrx \$2000 Henry Roe & Wm Roe surys ftd and apprvd & cert admrxn issd to Mary Roe.			James Roe, 2-9 to daughter, Mary Brown, & 2-9 to grandson, James Roe (see 2 Pr S. O. B. 487 & draft on fl.)
Mar. 20	Invnty ftd & apprvd.		Dec. 15	Rep of admrx of distron ftd & apprvd & ord dischg admrx.
April 10	Claims John Smith \$50, Henry Brown \$200 & James Roe \$500 ftd.			
April 10	Prf not adjustmt claims for Monday Feb. 10, 1908. ftd.			
May 10	Claims John Smith \$50 & Henry Brown \$200 a'vd & claim James Roe \$300 disalld.			
1909 Feb. 15	Rep admrx ftd & apprvd.			

Sec. 1944. FORMS OF ESTATE CLAIM REGISTER AND CLAIMANTS' CLAIM REGISTER
WITH ILLUSTRATIONS OF MANNER OF MAKING ENTRIES THEREIN.] The following
forms will serve as illustrations of the manner in which the claimants' claim
register and estate claim register hereinbefore provided for are to be ruled
and lettered and of the manner of making entries therein, the printed lettering
being indicated by words in capitals or small capitals:

1. CLAIMANT CLAIM REGISTER.

CLAIMANT.	ESTATE.	AMOUNT.	WHEN FILED.	ALLOWANCE OR DISALLOWANCE.
Doe, John	Roe, Richard	\$500	Feb. 10, 1908	March 10, 1908. Allowed \$500.

2. ESTATE CLAIM REGISTER.

ESTATE.	CLAIMANT.	AMOUNT.	WHEN FILED.	ALLOWANCE OR DISALLOWANCE.
Roe, Richard	Doe, John	\$500	Feb. 10, 1908	March 10, 1908. Allowed \$500.

6 the ascertainment of such meaning, resort may be had to other portions of the
 7 record of the action or proceeding and to other papers filed therein or entries
 8 made upon the record books thereof, and, when any order, judgment or decree
 9 is entered upon the record in an abbreviated form only, the same presumptions
 10 shall attach and the same effect be given thereto as if the same were written
 11 out in full in accordance with the rules hereinbefore prescribed.

Sec. 1947. PROVISIONS AS TO FORMS OF ORDERS, ETC., TO BE STRICTLY ENFORCED—

2 EMPLOYMENT OF EXPERT.] It shall be the duty of every court of record to en-
 3 force strict compliance with the provisions of this Act pertaining to the keep-
 4 ing of the files and records thereof and to the forms of orders, judgments and
 5 decrees and the entry thereof upon the record books of the court. Whenever
 6 the business of any court of record in any county is, in the opinion of the judge
 7 or a majority of judges thereof, sufficient to justify it, such judge or majority of
 8 judges may employ some competent person or persons whose duty it shall be to
 9 prepare for parties to actions and attorneys drafts in proper form of orders,
 10 judgments and decrees for submission to the judge or judges for signature or
 11 approval and to perform such other services in matters pertaining to the files
 12 and records of the court as may be required of him or them by the judge or a
 13 majority of the judges thereof. The salary of any person so employed shall be
 14 fixed by the judge or a majority of the judges of the court in and for which he is
 15 employed and shall be payable in quarterly installments out of the county
 16 treasury.

Sec. 1948. TRANSCRIPT FOR USE WITHOUT THIS STATE.] Whenever any tran-

2 script of the record, or any portion thereof, of any action or proceeding, is to be
 3 used beyond the limits of this State, the abbreviated forms hereinbefore pro-
 4 vided for may be written out in full and the record certified accordingly in the
 5 manner heretofore customary.

Sec. 1949. PROVISIONS AS TO FILES AND RECORDS TO BE SUBJECT TO ALTERATION.]

2 The provisions of this Act pertaining to the keeping of the files and records of

3 the courts of record of this State shall be subject to such alterations and
 4 changes, from time to time, as may be directed by the Supreme Court, it being
 5 the intention hereof that the Supreme Court shall have full power and author-
 6 ity, and that it shall be its duty, to direct all such alterations and changes in
 7 the keeping of such files and records as may appear to the court to be needful
 8 to secure accuracy, the convenience of litigants and officers of courts, and
 9 economy, and for the introduction of the latest and most improved business
 10 methods in the administration of justice in this State.

DIVISION LXXII.

COSTS.

SECTION.

- 1950. Counties classified.
- 1951. Plaintiff's costs to clerk in actions not otherwise provided for when jury not demanded.
- 1952. Plaintiff's additional clerk's costs when jury demanded.
- 1953. Appeal from justice of peace—appellant's clerk's costs.
- 1954. Certiorari to justice of peace—petitioner's clerk's costs.
- 1955. Clerk's costs of appellant on appeal from probate or county court.
- 1956. Plaintiff's clerk's costs in eminent domain.
- 1957. Action to contest will—plaintiff's clerk's costs.
- 1958. Clerk's costs for execution.

SECTION.

- 1959. Clerk's costs for supplementary proceedings.
- 1960. Defendant's clerk's costs when jury not demanded.
- 1961. Defendant's additional clerk's costs when jury demanded.
- 1962. Appeal from justice of the peace—appellee's clerk's costs.
- 1963. Certiorari to justice of the peace—opposite party's clerk's costs.
- 1964. Clerk's costs of appellee on appeal from probate court or county court.
- 1965. Clerk's fees on change of venue.
- 1966. Costs to be paid by defendant or group of defendants entering separate appearance.
- 1967. Costs of defendant filing cross-bill.
- 1968. Costs of parties to intervention.

COSTS—CONCLUDED.

SECTION.

- 1969. Additional costs of trial or hearing by court.
- 1970. Clerk's fees in criminal actions.
- 1971. Clerk's fees in municipal ordinance actions.
- 1972. Clerk's fees in other quasi criminal actions.
- 1973. Clerk's fees in bastardy actions.
- 1974. Clerk's fees in recognizance actions.
- 1975. Clerk's fees in other proceedings.
- 1976. Clerk's fees in administration proceedings.
- 1977. Clerk's fees in guardianship proceedings.
- 1978. Clerk's fees in conservatorship proceedings.
- 1979. Clerk's fees in apprenticeship proceedings.
- 1980. Clerk's fees in sale of real estate to pay debts.
- 1981. Clerk's fees in special matters.
- 1982. Clerk's fees in tax proceedings, special assessment proceedings and other special proceedings.
- 1983. Clerk's fees for services not rendered in actions or proceedings in court.
- 1984. Clerk's fees for special services.
- 1985. Jury fees.
- 1986. What constitutes day.
- 1987. Jury fees when trial unduly protracted.
- 1988. Refusal of party to pay jury fees.
- 1989. Sheriff's fees in courts of record.
- 1990. Sheriff's per diem.
- 1991. Fees in criminal actions—how paid.
- 1992. Sheriff's fees before justices of the peace.
- 1993. Mileage to be endorsed on writs.
- 1994. Fees of bailiffs, etc.
- 1995. Fees of masters in chancery.

SECTION.

- 1996. Fees in stenographic and typewriting department.
- 1997. Use to be made of original and carbon copies.
- 1998. Fees to witnesses.
- 1999. How witnesses' fees paid.
- 2000. People, municipal corporations, etc., not to pay costs.
- 2001. When advance costs not required of defendant—judgment for costs.
- 2002. When defendant entitled to repayment.
- 2003. Costs remitted when.
- 2004. Plaintiff's taxable costs for preparing papers.
- 2005. Plaintiff's taxable costs for preparing and serving copies.
- 2006. Defendant's taxable costs for preparing papers.
- 2007. Defendant's taxable costs for preparing and serving copies.
- 2008. Party's stenographer's fees.
- 2009. Costs for preparing report of proceedings.
- 2010. Printing record, etc.
- 2011. Printing argument.
- 2012. Costs for serving summons, etc., by person not officer.
- 2013. Costs of garnishee.
- 2014. Fees of clerk of supreme court in actions.
- 2015. Fees of clerk of appellate court in actions.
- 2016. Other fees of clerk of supreme court.
- 2017. Other fees of clerk of appellate court.
- 2018. Fees of justices of the peace.
- 2019. Fees of constables.
- 2020. Collection of fees of justices and constables in criminal and warrant actions.

SECTION.

- 2021. Fees of justices and constables payable in advance.
- 2022. Security for costs—form.
- 2023. Signing and effect of security.
- 2024. Failure to file security—right to security not waived.
- 2025. Cash deposit in lieu of security—form of certificate.
- 2026. Party becoming non-resident.
- 2027. Successful party to recover costs—exceptions.
- 2028. Party to file bill of costs—verification—notice—form of bill of costs.

SECTION.

- 2029. Clerk to tax costs according to bill—exception.
- 2030. Application to court.
- 2031. Retaxing costs.
- 2032. Amount of costs not to be specified in judgment, etc.
- 2033. Objection to bill of costs—when to be made.
- 2034. Costs not recoverable by opposite party—how collected.
- 2035. Bureau of justice.
- 2036. Poor persons.

Sec. 1950. COUNTIES CLASSIFIED.] For the purpose of fixing and regulating

2 the fees of clerks of courts, sheriffs, coroners, and other officers and persons for

3 services rendered in actions and proceedings brought in county, city and circuit

4 courts and in the superior court of Cook county and in the criminal court of

5 Cook county, the several counties of this State are hereby divided into three

6 classes, according to population as ascertained, from time to time, by the federal

7 census, to be known as the first, second and third, the first class to consist of

8 counties containing a population of not exceeding twenty-five thousand (25,000)

9 inhabitants, and the second class to consist of counties containing a population

10 of over twenty-five thousand (25,000) and not exceeding one hundred thousand

11 (100,000) inhabitants, and the third class to consist of all counties contain-

12 ing a population exceeding one hundred thousand (100,000) inhabitants.

Sec. 1951. PLAINTIFF'S COSTS TO CLERK IN ACTIONS NOT OTHERWISE PROVIDED FOR

2 WHEN JURY NOT DEMANDED.] The costs to be paid by the plaintiff to the clerk

3 of the court of record of original jurisdiction in an action or proceeding not

4 hereinafter otherwise expressly provided for, including an action for the con-

5 fession of a judgment, when the plaintiff does not file with the clerk a demand in

6 writing of a trial by jury, which costs, excepting as may be otherwise hereinafter
 7 provided, shall be payable at the time of the commencement of the action and
 8 shall be in full for all services to be rendered by said clerk for the plaintiff, other
 9 than services for which special provision is made by this Act, shall be as follows:

10 *First*—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every
 11 action at law for the recovery of money or personal property, or both, when the
 12 amount in money or property, or both, claimed by the plaintiff does not exceed
 13 one hundred dollars (\$100), the sum of two dollars (\$2) in counties of the first
 14 and second classes, and the sum of three dollars (\$3) in counties of the third
 15 class; when the amount in money or property, or both, claimed by the plaintiff
 16 exceeds one hundred dollars (\$100), but does not exceed two hundred dollars
 17 (\$200), the sum of three dollars (\$3) in counties of the first and second classes
 18 and the sum of three dollars and fifty cents (\$3.50) in counties of the third
 19 class; when the amount in money or property, or both, claimed by the plain-
 20 tiff exceeds two hundred dollars (\$200), but does not exceed one thousand
 21 dollars (\$1,000), the sum of four dollars (\$4) in counties of the first and second
 22 classes and the sum of five dollars (\$5) in counties of the third class; and when
 23 the amount in money or property, or both, claimed by the plaintiff exceeds one
 24 thousand dollars (\$1,000), the sum of six dollars (\$6) in counties of the first
 25 and second classes and the sum of eight dollars (\$8) in counties of the third
 26 class.

27 *Second*—FORCIBLE DETAINER.] In every action of forcible detainer, the sum of
 28 four dollars (\$4) in counties of the first and second classes and the sum of four
 29 dollars and fifty cents (\$4.50) in counties of the third class: *Provided, however,*
 30 that when, in any such action, the plaintiff unites with his claim for possession
 31 of the property any claim for rent or damages, he shall pay, in the counties of
 32 each class, the further sum of one dollar (\$1) when the amount claimed for
 33 rent or damages does not exceed one hundred dollars (\$100), or the further
 34 sum of two dollars (\$2) when the amount claimed for rent or damages ex-
 35 ceeds one hundred dollars (\$100), but does not exceed two hundred dollars

36 (\$200), or the further sum of three dollars (\$3) when the amount claimed for
 37 rent or damages exceeds two hundred dollars (\$200) but does not exceed one
 38 thousand dollars (\$1,000), or the further sum of five dollars (\$5) when the
 39 amount claimed for rent or damages exceeds one thousand dollars (\$1,000).

40 *Third—EJECTMENT.*] In every action of ejectment, the sum of fifteen dollars
 41 (\$15) in counties of the first and second classes, and the sum of twenty dollars
 42 (\$20) in counties of the third class, and an additional sum of two dollars (\$2)
 43 in counties of each of said classes for each lot or parcel of land more than one
 44 given a separate description in the plaintiff's claim.

45 *Fourth—DIVORCE.*] In every action for divorce, the sum of fifteen dollars
 46 (\$15) in counties of the first and second classes and the sum of twenty dollars
 47 (\$20) in counties of the third class.

48 *Fifth—PARTITION.*] In every action for partition, the sum of fifteen dollars
 49 (\$15) in counties of the first and second classes and the sum of twenty dollars
 50 (\$20) in counties of the third class, and an additional five dollars (\$5) in coun-
 51 ties of each of said classes for each lot or tract of land more than one given a
 52 separate description in the plaintiff's bill of complaint.

53 *Sixth—FORECLOSURE OF MORTGAGE OR LIEN.*] In every action in equity to fore-
 54 close a mortgage or enforce a lien, when the amount claimed by the plaintiff
 55 does not exceed one thousand dollars (\$1,000), the sum of five dollars (\$5) in
 56 counties of the first class, the sum of six dollars (\$6) in counties of the second
 57 class and the sum of eight dollars (\$8) in counties of the third class; when the
 58 amount claimed by the plaintiff exceeds one thousand dollars (\$1,000) and
 59 does not exceed five thousand dollars (\$5,000), the sum of ten dollars (\$10) in
 60 counties of the first and second classes and the sum of twelve dollars (\$12) in
 61 counties of the third class; and when the amount claimed by the plaintiff exceeds
 62 five thousand dollars (\$5,000), the sum of fifteen dollars (\$15) in counties of
 63 the first and second classes, and the sum of twenty dollars (\$20) in counties of
 64 the third class.

65 *Seventh*—ACTION FOR INJUNCTION.] In every action in equity in which an
 66 injunction is prayed in the plaintiff's bill of complaint, the sum of five dollars
 67 (\$5) in counties of the first and second classes and the sum of ten dollars (\$10)
 68 in counties of the third class in addition to the costs which would be otherwise
 69 payable in accordance with the provisions hereof.

70 *Eighth*—ACTION FOR RECEIVER.] In every action in equity in which the ap-
 71 pointment of a receiver is prayed for in the plaintiff's bill of complaint, the
 72 sum of five dollars (\$5) in counties of the first and second classes and the sum
 73 of ten dollars (\$10) in counties of the third class in addition to the costs which
 74 would be otherwise payable in accordance with the provisions hereof.

75 *Ninth*—OTHER ACTIONS IN EQUITY.] In every action in equity other than an
 76 action for divorce, an action for partition or an action to foreclose a mortgage
 77 or enforce a lien, the sum of nine dollars (\$9) in counties of the first class, the
 78 sum of ten dollars (\$10) in counties of the second class and the sum of fifteen
 79 dollars (\$15) in counties of the third class.

80 *Tenth*—MANDAMUS AND QUO WARRANTO.] In every action of mandamus and in
 81 every action of quo warranto, the sum of fifteen dollars (\$15) in counties of
 82 the first and second classes and the sum of twenty dollars (\$20) in counties of
 83 the third class.

84 *Eleventh*—ACTIONS NOT OTHERWISE PROVIDED FOR.] In every action at law or
 85 special proceeding not included in the above and not hereinafter provided for
 86 the sum of twelve dollars (\$12) in counties of the first and second classes and
 87 the sum of fifteen dollars (\$15) in counties of the third class.

88 *Twelfth*—AMENDMENT CHANGING AMOUNT OF CLAIM, ETC.] Whenever, after the
 89 commencement of an action, any amendment is made to the plaintiff's claim,
 90 bill, petition or other paper, by reason of which the amount of his claim is
 91 increased beyond the amount claimed at the time of the commencement of his
 92 action, or an injunction or the appointment of a receiver is prayed for, when
 93 such relief was not prayed for at the time of the commencement of the action,
 94 he shall, at the time of the filing of such amendment, pay such additional costs

95 as he would have been required to pay, and in addition thereto, such additional
 96 costs as the respective defendants who have entered their appearances would
 97 have been required to pay, as hereinafter provided, at the time of entering
 98 their appearances, had such amendment been made at the time of the commence-
 99 ment of the action.

Sec. 1952. PLAINTIFF'S ADDITIONAL COSTS WHEN JURY DEMANDED.] The
 2 plaintiff at the time of commencing any action or proceeding mentioned in the
 3 preceding section, if he files with the clerk of the court of record of original
 4 jurisdiction a demand in writing of a trial by jury, shall pay to the clerk, over
 5 and above the respective sums provided for in the preceding section, the sum
 6 of six dollars (\$6) in counties of each class.

Sec. 1953. APPEAL FROM JUSTICE OF PEACE—APPELLANT'S CLERK'S COSTS.] In
 2 every appeal from a justice of the peace the party prosecuting the appeal shall
 3 at the time of perfecting his appeal, pay to the justice of the peace four dollars
 4 (\$4), of which sum the justice of the peace shall transmit to the clerk of the court
 5 appealed to the sum of two dollars (\$2), which shall be in full for all services
 6 to be rendered by said clerk for the appellant, other than services for which
 7 special provision is made by this Act, and if such party files in the court ap-
 8 pealed to a demand in writing of a trial by jury in such action he shall, at the
 9 time of filing such demand, pay to the clerk of the court appealed to an addi-
 10 tional sum of six dollars (\$6) in counties of each class.

Sec. 1954. CERTIORARI TO JUSTICE OF PEACE—PETITIONER'S CLERK'S COSTS.] In
 2 every case of certiorari to a justice of the peace to review a judgment as pro-
 3 vided in this act, the party prosecuting the same shall, at the time of the filing
 4 of his petition, pay to the clerk of the court in which the same is filed the sum
 5 of four dollars (\$4) in cash, of which amount two dollars (\$2) shall be retained
 6 by said clerk in full for all services to be rendered by said clerk for the peti-
 7 tioner, other than services for which special provision is made by this Act,

8 and the remaining two dollars (\$2) thereof shall be transmitted by the clerk to
9 the justice of the peace before whom the judgment was obtained, together
10 with the writ of certiorari, as the costs of such justice of the peace for the
11 making of the authenticated record of the proceedings in the action; and if such
12 petitioner files in the court from which the writ of certiorari is prosecuted a
13 demand in writing of a trial by jury in such action, he shall, at the time of filing
14 such demand, pay to the clerk an additional sum of six dollars (\$6) in counties
15 of each class.

Sec. 1955. CLERK'S COSTS OF APPELLANT ON APPEAL FROM PROBATE OR COUNTY
2 COURT.] In every appeal from an order of a county court or probate court
3 allowing or disallowing any will to probate, the party prosecuting the appeal
4 shall, at the time of filing in the court appealed from the notice of appeal, pay
5 to the clerk of the court appealed from the sum of twenty-five dollars (\$25)
6 in counties of the first and second classes and the sum of thirty dollars (\$30) in
7 counties of the third class, of which amount five dollars (\$5) shall be retained
8 by said clerk as his fees for preparing and transmitting to the clerk of the court
9 appealed to the authenticated record and the remaining twenty dollars (\$20)
10 in counties of the first and second classes, or twenty-five dollars (\$25) in
11 counties of the third class, shall be transmitted by said clerk, together with the
12 authenticated record, to the clerk of the court appealed to in full for all services
13 to be rendered by said clerk to the party appealing other than the making or
14 furnishing of transcripts of the record or other services for which express pro-
15 vision as to fees is made by this Act.

Sec. 1956. PLAINTIFF'S CLERK'S COSTS IN EMINENT DOMAIN.] In every eminent
2 domain action the plaintiff, at the time of commencing the action, shall pay to
3 the clerk of the court of original jurisdiction, in full for all services to be ren-
4 dered by said clerk for the plaintiff other than services for which special pro-
5 vision is made by this Act, the sum of twenty dollars (\$20) in counties of the

6 first class, the sum of twenty-five dollars (\$25) in counties of the second class
 7 and the sum of thirty dollars (\$30) in counties of the third class, and the
 8 further sum of five dollars in counties of each of said classes for each lot or
 9 parcel of land, more than one, specified in the plaintiff's petition requiring a
 10 separate assessment of damages.

Sec. 1957. ACTION TO CONTEST WILL—PLAINTIFF'S CLERK'S COSTS.] In every
 2 action in equity for the contesting of a last will and testament, the plaintiff at
 3 the time of commencing the action, shall pay to the clerk of the court of original
 4 jurisdiction, in full for all services to be rendered by said clerk for the plain-
 5 tiff, other than services for which special provision is made by this Act, the
 6 sum of fifteen dollars (\$15) in counties of the first class, the sum of twenty
 7 dollars (\$20) in counties of the second class and the sum of twenty-five dollars
 8 (\$25) in counties of the third class.

Sec. 1958. CLERK'S COSTS FOR EXECUTION.] The costs to be paid to the
 2 clerk of the court of original jurisdiction at the time of suing out any writ of
 3 execution, alias execution or pluries execution, by the party suing out the same,
 4 shall be the sum of one dollar (\$1) in counties of each of said classes.

Sec. 1959. CLERK'S COSTS FOR SUPPLEMENTARY PROCEEDING.] The costs to
 2 be paid to the clerk of the court of original jurisdiction, at the time of insti-
 3 tuting any supplementary proceeding provided for by this Act for the collec-
 4 tion of any judgment for money, by the party instituting the same, shall be
 5 the sum of one dollar (\$1) when the amount of the judgment does not exceed
 6 one hundred dollars (\$100), the sum of two dollars (\$2) when the amount of
 7 the judgment exceeds one hundred dollars (\$100) but does not exceed five hun-
 8 dred dollars (\$500), and the sum of three dollars (\$3) when the amount of the
 9 judgment exceeds five hundred dollars (\$500) but does not exceed one thou-
 10 sand dollars (\$1,000) and the sum of six dollars (\$6) when the amount of
 11 the judgment exceeds one thousand dollars (\$1,000), in counties of each of
 12 said classes.

Sec. 1960. DEFENDANT'S CLERK'S COSTS WHEN JURY NOT DEMANDED.] The

costs to be paid by the defendant to the clerk of the court of original jurisdiction at the time of entering his appearance in any action referred to in the nine preceding sections, when the defendant does not file with the clerk a demand in writing of a trial by jury, which costs shall be in full for all services to be rendered by said clerk for the defendant other than services for which special provision is made by this Act, shall be as follows:

First—ACTION AT LAW TO RECOVER MONEY OR PERSONAL PROPERTY.] In every action at law for the recovery of money or personal property, or both, when the amount in money or property, or both, claimed by the plaintiff does not exceed one hundred dollars (\$100), the sum of one dollar (\$1) in counties of each class; when the amount in money or property, or both, claimed by the plaintiff exceeds one hundred dollars (\$100) but does not exceed two hundred dollars (\$200), the sum of two dollars (\$2) in counties of each class; when the amount in money or property, or both, claimed by the plaintiff exceeds two hundred dollars (\$200), but does not exceed one thousand dollars (\$1,000), the sum of three dollars (\$3) in counties of each class; and when the amount in money or property, or both, claimed by the plaintiff exceeds one thousand dollars (\$1,000), the sum of four dollars (\$4) in counties of the first and second classes and the sum of six dollars (\$6) in counties of the third class.

Second—FORCIBLE DETAINER.] In every action of forcible detainer the sum of one dollar (\$1) in counties of each class: *Provided, however,* that when, in any such action, the plaintiff unites with his claim for possession of the property any claim for rent or damages the defendant shall pay in the counties of each class an additional sum which shall be fifty cents (\$0.50), when the amount claimed for rent or damages does not exceed one hundred dollars (\$100), one dollar (\$1) when the amount claimed for rent or damages exceeds one hundred dollars (\$100) but does not exceed two hundred dollars (\$200), or two dollars (\$2) when the amount claimed for rent or damages exceeds two

30 hundred dollars (\$200) but does not exceed one thousand dollars (\$1,000), or
 31 four dollars (\$4) when the amount claimed for rent or damages exceeds one
 32 thousand dollars (\$1,000).

33 *Third—EJECTMENT.*] In every action of ejectment the sum of four dollars
 34 (\$4) in counties of the first and second classes and the sum of five dollars (\$5)
 35 in counties of the third class, and an additional sum of one dollar (\$1) for
 36 each separate lot or parcel of land, more than one, given a separate description
 37 in the plaintiff's claim.

38 *Fourth—DIVORCE.*] In every action for divorce the sum of four dollars (\$4)
 39 in counties of the first class, the sum of five dollars (\$5) in counties of the second
 40 class and the sum of ten dollars (\$10) in counties of the third class.

41 *Fifth—PARTITION.*] In every action for partition the sum of five dollars
 42 (\$5) in counties of the first and second classes and the sum of six dollars (\$6)
 43 in counties of the third class.

44 *Sixth—FORECLOSURE OF MORTGAGE OR LIEN.*] In every action in equity to
 45 foreclose a mortgage, when the amount claimed by the plaintiff does not ex-
 46 ceed one thousand dollars (\$1,000), the sum of one dollar (\$1) in counties of the
 47 first class, the sum of two dollars (\$2) in counties of the second class and the sum
 48 of three dollars (\$3) in counties of the third class; when the amount claimed by
 49 the plaintiff exceeds one thousand dollars (\$1,000), the sum of three dollars
 50 (\$3) in counties of the first and second classes and the sum of five dollars (\$5)
 51 in counties of the third class.

52 *Seventh—ACTION FOR INJUNCTION.*] In every action in equity in which an
 53 injunction is prayed for in the plaintiff's bill of complaint, the sum of two dollars
 54 (\$2) in counties of the first and second classes and the sum of three (\$3) in
 55 counties of the third class, in addition to the costs otherwise payable as pro-
 56 vided by this section.

57 *Eighth—ACTION FOR RECEIVER.*] In every action in equity in which the ap-
 58 pointment of a receiver is prayed for in the plaintiff's bill of complaint, the

59 sum of three dollars (\$3) in counties of the first and second classes and the
 60 sum of four dollars (\$4) in counties of the third class, in addition to the costs
 61 otherwise payable as provided by this section.

62 *Ninth*—OTHER ACTIONS IN EQUITY.] In every action in equity other than an
 63 action for divorce, an action for partition, or an action to foreclose a mortgage
 64 or enforce a lien, the sum of three dollars (\$3) in counties of the first class, the
 65 sum of four dollars (\$4) in counties of the second class and the sum of five dol-
 66 lars (\$5) in counties of the third class.

67 *Tenth*—MANDAMUS AND QUO WARRANTO.] In every action of mandamus and
 68 in every action of quo warranto, the sum of five dollars (\$5) in counties of the
 69 first class, the sum of six dollars (\$6) in counties of the second class, and the
 70 sum of ten dollars (\$10) in counties of the third class.

71 *Eleventh*—WHEN DEFENDANT CLAIMS SET-OFF OR FILES COUNTER CLAIM.] In
 72 every action at law, when the defendant includes a set-off in his specification of
 73 defense or defenses, or files a counter claim, he shall, in addition to the fees
 74 above provided for, pay the sum of one dollar (\$1) in counties of each class
 75 when the amount claimed by him by such set-off or counter claim does not ex-
 76 ceed two hundred dollars (\$200); the sum of two dollars (\$2) in counties of the
 77 first and second classes and the sum of three dollars (\$3) in counties of the third
 78 class, when the amount claimed by him by such set-off or counter claim exceeds
 79 two hundred dollars (\$200) but does not exceed one thousand dollars (\$1,000);
 80 and the sum of three dollars (\$3) in counties of the first and second classes and
 81 the sum of five dollars (\$5) in counties of the third class, when the amount
 82 claimed by him by such set-off or counter claim exceeds one thousand dollars
 83 (\$1,000).

84 *Twelfth*—OTHER ACTIONS AT LAW.] In every action at law not included in
 85 the above, the sum of three dollars (\$3) in counties of the first class, the sum of
 85 four dollars (\$4) in counties of the second class and the sum of five dollars (\$5)
 87 in counties of the third class.

Sec. 1961. DEFENDANT'S ADDITIONAL COSTS WHEN JURY DEMANDED.]

2 The defendant, at the time of entering his appearance in the court of original
3 jurisdiction in any action or proceeding mentioned in the preceding section, if
4 he files with the clerk a demand in writing of a trial by jury, shall pay to the
5 clerk, over and above the respective sums provided for in the preceding section,
6 the sum of six dollars (\$6) in counties of each class.

Sec. 1962. APPEAL FROM JUSTICE OF THE PEACE—APPELLEE'S CLERK'S COSTS.]

2 In every appeal from a justice of the peace the appellee shall, at the time of
3 entering his appearance in the court appealed to, pay to the clerk the sum of
4 two dollars (\$2) in counties of each class, which sum shall be in full for all
5 services to be rendered by said clerk for the appellee other than services for
6 which special provision is made by this Act, and, if such party files with the clerk
7 a demand in writing of a trial by jury in such action, he shall pay to the clerk
8 an additional sum of six dollars (\$6) in counties of each class.

Sec. 1963. CERTIORARI TO JUSTICE OF THE PEACE—OPPOSITE PARTY'S CLERK'S

2 COSTS.] In every case of certiorari to a justice of the peace to review a judg-
3 ment as provided in this Act the party not a petitioner shall, at the time of
4 entering his appearance in the court from which the writ of certiorari is prose-
5 cuted, pay to the clerk the sum of two dollars (\$2) in counties of each class,
6 which sum shall be in full for all services to be rendered by such clerk to such
7 party, other than services for which special provision is made by this Act, and, if
8 such party files with the clerk a demand in writing of a trial by jury in such action,
9 he shall pay to the clerk an additional sum of six dollars (\$6) in counties of
10 each class.

Sec. 1964. CLERK'S COSTS OF APPELLEE ON APPEAL FROM PROBATE COURT OR

2 COUNTY COURT.] In every appeal from an order of a county court or probate
3 court allowing or disallowing any will to probate, the appellee shall, at the time

4 of filing his appearance in writing in the court appealed to, pay to the clerk
 5 the sum of five dollars (\$5) in counties of each class, which sum shall be in full
 6 for all services to be rendered by said clerk to the appellee other than services
 7 for which special provision is made by this Act.

Sec. 1965. CLERK'S FEES ON CHANGE OF VENUE.] The party obtaining an
 2 order for a change of venue to another court in a civil or quasi criminal action
 3 shall, at the time of obtaining such order, pay to the clerk of the court from
 4 which the change is made the sum of five dollars (\$5), of which sum two dollars
 5 (\$2) shall be retained by such clerk as his fees for authenticating and trans-
 6 mitting the record of the action and the remaining three dollars (\$3) of said
 7 sum shall be transmitted by him to the clerk of the court to which the change is
 8 made as the costs of such clerk, which costs shall be in full for all services to
 9 be rendered by said clerk for the parties to said action other than services for
 10 which special provision is made by this Act. When a change of venue is grant-
 11 ed to another court by the court of its own motion, no costs shall be payable
 12 by either party on account thereof, but the clerk of the court from which the
 13 change of venue is granted shall forthwith prepare the authenticated record
 14 and transmit the same to the court to which the change of venue is taken and
 15 the same shall be there filed.

Sec. 1966. COSTS TO BE PAID BY DEFENDANT OR GROUP OF DEFENDANTS ENTER-
 2 ING SEPARATE APPEARANCE.] The costs hereinbefore provided to be paid by the
 3 defendant at the time of entering his appearance, in an action or proceeding
 4 where there are several defendants, shall be paid by each defendant or group
 5 of defendants who may enter a separate appearance or separate appearances.

Sec. 1967. COSTS OF DEFENDANT FILING CROSS-BILL.] When any defendant
 2 or any group of defendants in any action in equity shall file a cross-bill of com-
 3 plaint he or they shall, at the time of the filing of the same, pay to the clerk
 4 of the court of original jurisdiction the same fees which, in accordance with

5 the preceding provisions hereof, would be required to be paid by a plaintiff at
6 the time of the filing of a bill of complaint of the same class, less the fees paid
7 by such defendant or group of defendants at the time of filing his or their ap-
8 pearance.

Sec. 1968. COSTS OF PARTIES TO INTERVENTION.] The costs to be paid by an
2 intervener to the clerk of the court of original jurisdiction in any action at the
3 time he files his intervener's claim, bill of intervention or petition, shall be the
4 same as he would be required to pay if such claim, bill or petition were the
5 claim, bill or petition of a plaintiff in an original action, and such costs shall
6 be in full for all services to be rendered by said clerk for the intervener, other
7 than services for which special provision is made by this Act; and when, by any
8 bill of intervention in an action in equity, any person is made a defendant
9 thereto who was not a party to the action prior thereto or who, being prior
10 thereto a party to the action, did not enter his appearance therein, such de-
11 fendant, at the time of entering his appearance as a defendant to said bill of
12 intervention, shall pay the same costs he would be required to pay if he entered
13 his appearance as a defendant in an original action brought by said intervener
14 upon the same cause of action.

Sec. 1969. ADDITIONAL COSTS OF TRIAL OR HEARING BY COURT.] Whenever the
2 trial or hearing of any action in a court of record of original jurisdiction tried
3 or heard by the court without a jury shall occupy more than one-half day's
4 time there shall be taxed as costs against the unsuccessful party, or against the
5 party against whom the costs of the action are to be taxed, the sum of five
6 dollars (\$5) for each half day or fractional half day in addition to such first
7 half day occupied by such trial: *Provided, however,* that when the trial or
8 hearing of any such action is unduly protracted through the fault of the suc-
9 cessful party the court may, in its discretion, require such portion of the costs,
10 as the court may deem reasonable, to be taxed against the successful party

11 and the same shall be taxed accordingly. A trial or hearing within the mean
 12 ing of the provisions of this Act relating to costs shall include not only a
 13 final trial of an action at law or a final hearing in equity but also a hearing
 14 upon any contested motion in any action at law or in equity. Three hours shall
 15 constitute a half day and six hours shall constitute a full day within the mean-
 16 ing of this Act, excepting when otherwise expressly provided.

Sec. 1970. CLERK'S FEES IN CRIMINAL ACTIONS.] The clerk's fees in a court
 2 of record of original jurisdiction in criminal actions, which fees shall be in full
 3 for all services to be rendered by said clerk for both parties, other than serv-
 4 ices for which special provision is made by this Act, shall be as follows:

5 *First*—CAPITAL CASE.] In every capital case, when the defendant enters a
 6 plea of guilty, fifteen dollars (\$15); when the defendant is convicted after
 7 a trial by jury, thirty dollars (\$30).

8 *Second*—FELONY OTHER THAN CAPITAL.] In every felony case, other than
 9 a capital case, when the defendant pleads guilty, ten dollars (\$10); when
 10 the defendant is convicted after a trial by jury, twenty-five dollars (\$25).

11 *Third*—CONSPIRACY.] In every conspiracy case, when the defendant pleads
 12 guilty, ten dollars (\$10); when the defendant is convicted after a trial by jury,
 13 twenty-five dollars (\$25).

14 *Fourth*—MISDEMEANOR.] In every case in which the punishment is not
 15 death or confinement in the penitentiary, when the defendant pleads guilty.
 16 three dollars (\$3); when the defendant is convicted after a trial by the court.
 17 six dollars (\$6); when the defendant is convicted after a trial by jury, fifteen
 18 dollars (\$15): *Provided, however,* that in any action in which the defendant
 19 pleads guilty or is convicted after a trial by the court and the fine imposed
 20 by the court, when the punishment is by fine only, does not exceed ten dollars
 21 (\$10), the clerk's costs taxed against the defendant shall not exceed one dollar
 22 (\$1).

Sec. 1971. CLERK'S FEES IN MUNICIPAL ORDINANCE ACTIONS.] In quasi criminal actions to recover fines or penalties for the violation of municipal ordinances the clerk's fees, which fees shall be in full for all services to be rendered by said clerk for both parties, other than services for which special provision is made by this act, shall be three dollars (\$3) when the defendant is defaulted or pleads guilty; six dollars (\$6) when the defendant is convicted after a trial by the court, and fifteen dollars (\$15) when the defendant is convicted after a trial by jury: *Provided, however,* that in any action in which the defendant pleads guilty or is convicted after a trial by the court and the fine imposed by the court does not exceed ten dollars (\$10) the clerk's costs taxed against the defendant shall not exceed one dollar (\$1).

Sec. 1972. CLERK'S FEES IN OTHER QUASI CRIMINAL ACTIONS.] In quasi criminal actions instituted by the People of the State of Illinois, or in the name of any state, county or municipal officer in his official capacity, the clerk's fees which shall be in full for all services to be rendered by said clerk for both parties, other than services for which special provision is made by this act, shall be three dollars (\$3) when judgment is rendered against the defendant by default or upon a plea of guilty, or other admission of liability; six dollars (\$6) when judgment is rendered against the defendant after a trial by the court; and fifteen dollars (\$15) when judgment is rendered against the defendant after a trial by jury: *Provided, however,* that in any action in which a defendant pleads guilty or is convicted after a trial by the court and the fine imposed by the court does not exceed ten dollars (\$10), the clerk's costs taxed against the defendant shall not exceed one dollar (\$1).

Sec. 1973. CLERK'S FEES IN BASTARDY ACTIONS.] The clerk's fees in a court of record of original jurisdiction in bastardy actions shall be as follows:

First—WITHOUT TRIAL BY JURY.] When the action is disposed of without a trial by jury, six dollars (\$6).

5 *Second*—TRIAL BY JURY.] When the action is disposed of after a trial by
6 jury, twelve dollars (\$12).

Sec. 1974. CLERK'S FEES IN RECOGNIZANCE ACTIONS.] The clerk's fees in a
2 court of record of original jurisdiction in actions on recognizances shall be as
3 follows:

4 *First*—WITHOUT TRIAL BY JURY.] When the action is disposed of without
5 a trial by jury, the sum of five dollars (\$5) in counties of the first and second
6 classes and eight dollars (\$8) in counties of the third class.

7 *Second*—WITH TRIAL BY JURY.] When the action is disposed of after a
8 trial by jury, twelve dollars (\$12) in counties of each class and an additional
9 twelve dollars (\$12) for each half day or fractional half day occupied by the
10 trial over and above the first day thereof.

Sec. 1975. CLERK'S FEES IN OTHER PROCEEDINGS.] The clerk's fees in a court
2 of record of original jurisdiction in all actions and proceedings not included
3 within those specified in the twenty-four (24) preceding sections, other than
4 probate matters, shall be the same as those provided by the laws in force at
5 the time of the taking effect of this Act.

Sec. 1976. CLERK'S FEES IN ADMINISTRATION PROCEEDINGS.] The fees of
2 clerks of county courts and probate courts in counties of each class in adminis-
3 tration proceedings shall be as follows:

4 *First*—GENERAL SERVICES IN INTESTATE ESTATE.] For all services to be ren-
5 dered by said clerk in an intestate estate, other than services for which special
6 provision is made by this Act, the sum of fifteen dollars (\$15).

7 *Second*—GENERAL SERVICES IN TESTATE ESTATE.] For all services to be ren-
8 dered by said clerk in a testate estate other than services for which special
9 provision is made by this act, the sum of thirty dollars (\$30).

10 *Third*—CERTIFICATE OF ADMINISTRATION.] For each certificate of adminis-
11 tration, one dollar (\$1). and, when the same is accompanied by a copy of a last

will and testament, an additional sum equal to fifteen (15) cents for each one hundred (100) words thereof.

Fourth—UNCONTESTED CLAIMS.] For each claim filed against the estate when the same is uncontested, one dollar (\$1).

Fifth—CONTESTED CLAIMS.] For each claim filed against the estate when the same is contested, the sum of two dollars (\$2) when the claim does not exceed one hundred dollars (\$100); the sum of three dollars (\$3) when the claim exceeds one hundred dollars (\$100) but does not exceed two hundred dollars (\$200); the sum of four dollars (\$4) when the claim exceeds two hundred dollars (\$200) but does not exceed one thousand dollars (\$1,000), and the sum of six dollars (\$6) when the claim exceeds one thousand dollars (\$1,000).

Sixth—BOND.] For each bond of an executor or administrator, the sum of one dollar (\$1).

Seventh—REPORT.] For each executor's or administrator's report, the sum of two dollars (\$2).

Eighth—CITATION.] For each citation, one dollar (\$1).

Ninth—PETITION.] For each petition, other than a petition for administration, when filed by any person other than an executor or administrator, two dollars (\$2).

Tenth—EXECUTION.] For each execution, one dollar (\$1).

Eleventh—RECORDING PAPER.] For recording each paper required by law or by order of court to be recorded, fifteen (15) cents for each one hundred (100) words.

Twelfth—CONTEMPT.] For each proceeding for contempt, two dollars (\$2).

Thirteenth—ATTACHMENT.] For each writ of attachment, for contempt, one dollar (\$1).

In all cases where any deceased person shall leave him or her surviving a widow, child or children, resident of this State, who are entitled out of said es-

12 fate to a widow's award, and the entire estate, real and personal, of such de-
 43 ceased person shall not exceed the sum of two thousand dollars (\$2,000), the
 44 court shall remit and release to such estate all the costs herein provided for.

Sec. 1977. CLERK'S FEES IN GUARDIANSHIP PROCEEDINGS.] The fees of clerks

2 of county courts and probate courts in counties of each class in guardianship
 3 proceedings shall be as follows:

4 *First*—GENERAL SERVICES.] For all services to be rendered by said clerk
 5 when the guardianship is one of the property of the ward, or of both the
 6 property and the person of the ward, other than services for which special
 7 provision is made by this Act, the sum of eight dollars (\$8).

8 *Second*—CERTIFICATE OF GUARDIANSHIP.] For each certificate of guardian-
 9 ship, one dollar (\$1).

10 *Third*—BOND.] For each bond of the guardian, one dollar (\$1).

11 *Fourth*—REPORT.] For each guardian's report, two dollars (\$2).

12 *Fifth*—CITATION.] For each citation, one dollar (\$1).

13 *Sixth*—PETITION.] For each petition, other than a petition for guardian-
 14 ship, when filed by any person other than a guardian or some person on behalf
 15 of the ward, three dollars (\$3).

16 *Seventh*—CONTEMPT.] For each proceeding for contempt, two dollars (\$2).

17 *Eighth*—ATTACHMENT.] For each writ of attachment for contempt, one
 18 dollar (\$1).

19 In the case of any minor whose real and personal estate does not exceed the
 20 sum of two thousand dollars (\$2,000) and whose father is dead, the court shall
 21 remit and release to such estate all of the costs herein provided for.

Sec. 1978. CLERK'S FEES IN CONSERVATORSHIP PROCEEDINGS.] The fees of

2 clerks of county courts and probate courts in counties of each class in conserva-
 3 torship proceedings shall be as follows:

1 *First*—GENERAL SERVICES.] For all services to be rendered by said clerk,
 5 other than services for which special provision is made by this Act, the sum of
 6 eight dollars (\$8).

7 *Second*—CERTIFICATE OF CONSERVATORSHIP.] For each certificate of conser-
 8 vatorship, one dollar (\$1).

9 *Third*—BOND.] For each bond of a conservator, one dollar (\$1).

10 *Fourth*—REPORT.] For each conservator's report, two dollars (\$2)

11 *Fifth*—CITATION.] For each citation, one dollar (\$1).

12 *Sixth*—PETITION.] For each petition, other than a petition for conservator-
 13 ship, when filed by any person other than a conservator, or some person acting
 14 in behalf of the person for whom the conservator is appointed, three dollars
 15 (\$3).

16 *Seventh*—CONTEMPT.] For each proceeding for contempt, two dollars (\$2).

17 *Eighth*—ATTACHMENT.] For each writ of attachment for contempt, one
 18 dollar (\$1).

19 In the case of any idiot, insane person, lunatic or distracted person, drunk-
 20 ard or spendthrift, when such person has a wife or infant child dependent on
 21 such person for support, and the entire estate of such person shall not exceed the
 22 sum of two thousand dollars' (\$2,000), the court shall remit and release to such
 23 estate all of the costs herein provided for.

Sec. 1979. CLERK'S FEES IN APPRENTICESHIP PROCEEDINGS.] The fees of clerks
 2 of county courts and probate courts for all services rendered in an apprentice-
 3 ship proceeding shall be five dollars (\$5).

Sec. 1980. CLERK'S FEES IN SALE OF REAL ESTATE TO PAY DEBTS.] The fees of
 2 clerks of county courts and probate courts for all services rendered in a pro-
 3 ceeding for the sale of real estate for the payment of debts shall be the same
 4 as is provided by this Act for an action in equity, other than an action for di-
 5 vorce, an action for partition or an action to foreclose a mortgage or to foreclose
 6 a lien.

Sec. 1981. CLERK'S FEES IN SPECIAL MATTERS.] The following fees shall also

2 be allowed clerks of courts of record in counties of each class:

3 *First*—ACKNOWLEDGMENTS.] For taking the acknowledgment of any deed or
4 other instrument in writing, twenty-five (25) cents.

5 *Second*—NATURALIZATION.] For all services rendered in a naturalization
6 proceeding, five dollars (\$5).

7 *Third*—PER DIEM.] For each day's attendance upon the court of which he
8 is clerk, by himself or deputy, or, in case of a court having several branches, for
9 each day's attendance, by himself or deputy, upon each branch, the sum of six
10 dollars (\$6), the same to be paid out of the county treasury as a part of the earn-
11 ings of his office.

Sec. 1982. CLERK'S FEES IN TAX PROCEEDINGS, SPECIAL ASSESSMENT PROCEED-

2 INGS AND OTHER SPECIAL PROCEEDINGS.] The fees of clerks of courts in tax proceed-
3 ings, special assessment proceedings or other special proceedings, shall be the
4 same as are provided for by the laws in force at the time of the taking effect
5 of this Act.

Sec. 1983. CLERK'S FEES FOR SERVICES NOT RENDERED IN ACTIONS OR PROCEED-

2 INGS IN COURT.] The fees of clerks of courts in matters not pertaining to actions
3 or proceedings in their respective courts, and not herein otherwise expressly
4 provided for, shall be the same as those provided for by the laws in force at the
5 time of the taking effect of this Act.

Sec. 1984. CLERK'S FEES FOR SPECIAL SERVICES.] The fees of each clerk of a

2 court of record of original jurisdiction for services not included within those
3 mentioned in the twenty-three preceding sections shall be as follows:

4 *First*—CERTIFIED COPY OF ENTRIES IN REGISTER AND MINUTE BOOK.] For mak-
5 ing and mailing, postage prepaid, or otherwise delivering, to any attorney at law
6 authorized to practice in the courts of record in this State and resident therein a
7 certified copy of the entries in the register and minute book, or probate register
8 and minute book, or special register and minute book, in any action or proceeding

9 in said court fifty (50) cents, and an additional fifty (50) cents when the
 10 same is accompanied with a certified copy of a final order, judgment
 11 or decree in such action or proceeding. Any such certified copy of the entries
 12 in a register and minute book, probate register and minute book, or special
 13 register and minute book, shall be received in all courts of this State as com-
 14 petent evidence of all orders entered in the action or proceeding in which they
 14 purport to be entered when the abbreviated forms thereof are sufficient to en-
 15 able the court to understand the meaning and legal effect thereof and also as com-
 16 petent evidence of the filing of all papers and the issuance and return of all
 17 writs minuted therein, to the same extent as if such entries were written out in
 18 full.

19 *Second*—CERTIFIED COPY OF PAPER OR RECORD FOR ATTORNEY.] For making,
 20 for an attorney at law authorized to practice in the courts of record in this State
 21 and resident therein, a typewritten copy of any paper, record or portion thereof
 22 in any action, whether pending or determined in said court, and certifying the
 23 same, for each one hundred (100) words four (4) cents and for comparing and
 24 certifying any such copy when the same has not been made by the clerk, for
 25 each one hundred (100) words, two (2) cents.

26 *Third*—CERTIFIED COPY OF PAPER OR RECORD FOR PERSON NOT ATTORNEY.] For
 27 making and certifying a complete typewritten copy of the record in any action,
 28 or for making and certifying copies of portions of records or copies of any paper
 29 not otherwise provided for by this section, for any person requiring the same,
 30 other than an attorney at law authorized to practice in the courts of this State
 31 and resident therein, for each one hundred (100) words, in counties of the first
 32 class, twelve (12) cents, in counties of the second class ten (10) cents, and in
 33 counties of the third class, eight (8) cents.

34 *Fourth*—AUTHENTICATED RECORD FOR APPEAL, ETC.] For preparing and certi-
 35 fying the authenticated record for the purpose of an appeal to or writ of error
 36 from the Supreme Court or an appellate court, five dollars (\$5).

37 *Fifth—CHANGE OF VENUE.*] For preparing and transmitting to the clerk
 38 of the proper court the record of an action in a case of change of venue, two
 39 dollars (\$2).

40 *Sixth—ATTENDANCE AT TAKING DEPOSITION.*] For attendance at the taking of
 41 a deposition and certifying the same, when the same is to be used in any action
 42 or proceeding in any court of this State, one dollar (\$1) for each hour or frac-
 43 tional hour of such attendance, and, when the same is not to be used in any court
 44 of this State, the sum of one dollar and fifty cents (\$1.50) for each hour
 45 or fractional hour of such attendance: *Provided, however,* that every such depo-
 46 sition shall be taken down either stenographically or upon a typewriter, and the
 47 fees for transcribing the same, or taking the same down upon the typewriter,
 48 as hereinafter fixed, shall be paid by the party on whose behalf the same is taken.

Sec. 1985. *JURY FEES.*] When any action is tried by jury the following
 2 fees, to be known as “jury fees,” shall be payable to the clerk to be by him paid
 3 into the county treasury from time to time as collected and to be applied to the
 4 payment of the fees and mileage of jurors:

5 *First—CIVIL ACTION FOR MONEY, EXCEPT TORT, APPEAL FROM J. P., ETC., ACTION*
 6 *FOR PERSONAL PROPERTY, FORCIBLE DETAINER.*] In every civil action at law for the
 7 recovery of money only, other than a tort action, in every action for the recovery
 8 of personal property or both money and personal property, and in every action
 9 of forcible detainer, each party filing a demand in writing of a trial by jury
 10 shall pay the sum of six dollars (\$6) at the commencement of the trial and the
 11 further sum of six dollars (\$6) at the commencement of each day of the trial
 12 thereafter until the jury shall have retired to consider of their verdict.

13 *Second—EJECTMENT, MANDAMUS, QUO WARRANTO.*] In every action of eject-
 14 ment, mandamus or quo warranto each party filing a demand in writing of a
 15 trial by jury shall pay the sum of twenty-four dollars (\$24) at the commence-
 16 ment of the trial and the further sum of twenty-four dollars (\$24) at the com-

17 mencement of each day of the trial thereafter until the jury shall have retired
18 to consider of their verdict.

19 *Third*—EMINENT DOMAIN.] In every action of eminent domain the plaintiff
20 shall pay the sum of twenty-four dollars (\$24) at the commencement of the trial
21 and the further sum of twenty-four dollars (\$24) at the commencement of each
22 day of the trial thereafter until the jury shall have been discharged.

23 *Fourth*—TORT ACTION, WILL CONTEST, CERTAIN QUASI CRIMINAL.] In every tort
24 action, every action to contest a last will and testament, and every quasi crim-
25 inal action other than one to recover a fine or penalty for the violation of a
26 municipal ordinance, there shall be taxed against the party finally unsuccessful
27 the sum of six dollars (\$6) for each day, or fractional day, occupied by the trial.

28 *Fifth*—MUNICIPAL ORDINANCE ACTION, CRIMINAL ACTION.] In every quasi
29 criminal action to recover a fine or penalty for the violation of a municipal or-
30 dinance, and in every criminal action there shall be taxed against each defend-
31 ant, in case of his conviction, the sum of twelve dollars (\$12) for each day, or
32 fractional day, occupied by the trial.

33 *Sixth*—ACTION IN EQUITY.] In every action in equity in which a trial by
34 jury is not a matter of right, the party applying for a trial by jury shall pay the
35 sum of twenty-four dollars (\$24) at the commencement of the trial and the fur-
36 ther sum of twenty-four dollars (\$24) at the commencement of each day of the
37 trial thereafter until the jury shall have been discharged.

38 *Seventh*—OTHER ACTIONS.] In every action not provided for in the preceding
39 clauses of this section there shall be taxed against the party finally unsuccessful
40 the sum of twelve dollars (\$12) for each day, or fractional day, occupied by the
41 trial.

Sec. 1986. WHAT CONSTITUTES DAY.] A day, within the meaning of the pre-
2 ceding section, shall be six (6) hours.

Sec. 1987. JURY FEES WHEN TRIAL UNDULY PROTRACTED.] When the trial of
 2 any action tried by jury is unduly protracted through the fault of the party
 3 finally successful, the court may require such successful party to pay so much
 4 of the jury fees hereinbefore provided for as the court may deem just and right.

Sec. 1988. REFUSAL OF PARTY TO PAY JURY FEES.] Whenever any party who,
 2 by the terms of the preceding sections, is required to pay jury fees shall refuse
 3 to pay such fees at the time or times so required, the court, unless the oppo-
 4 site party is entitled to a trial by jury, may discharge the jury and thereupon
 5 the action may be tried by the court without a jury upon the evidence, if any,
 6 theretofore heard, and such evidence as may be thereafter introduced, or the
 7 court may make such other order in the premises as may appear to be just and
 8 right.

Sec. 1989. SHERIFF'S FEES IN COURTS OF RECORD.] The costs to be paid the
 2 sheriff for services rendered by him, or to any other officer authorized to
 3 render and rendering such services, in actions and proceedings in the respective
 4 courts of record which costs, excepting as is otherwise hereinafter expressly
 5 provided, are to be paid in advance by the party at whose instance the services
 6 are rendered, shall be as follows:

7 *First*—SERVING SUMMONS, ETC.] For serving any summons, subpoena, gar-
 8 nishee summons, citation, order of court, writ of attachment, writ of replevin,
 9 writ of possession, writ of restitution, writ of assistance, writ of ejectment or
 10 writ of execution, in counties of each class, two dollars (\$2) for each person
 11 served, and for summoning each juror, one dollar and fifty cents (\$1.50) in
 12 counties of the first class, one dollar (\$1) in counties of the second class, and
 13 seventy-five (75) cents in counties of the third class.

14 *Second*—EXECUTING CAPIAS.] For executing each capias three dollars (\$3)
 15 in counties of the first class, two dollars and fifty cents (\$2.50) in counties of
 16 the second class and two dollars (\$2) in counties of the third class, for each
 17 person arrested under such capias.

18 *Third*—LEVYING WRIT, ETC.] For levying each writ of attachment or writ of
 19 execution and taking property under each writ of replevin, two dollars (\$2)
 20 in counties of the first class, one dollar and fifty cents (\$1.50) in counties of
 21 the second class, and one dollar (\$1) in counties of the third class.

22 *Fourth*—WRIT OF POSSESSION, ETC.] For executing each writ of possession,
 23 restitution, assistance or ejectment without aid, in counties of each class one
 24 dollar (\$1) and, when aid is necessary, the actual costs thereof.

25 *Fifth*—EXECUTING ORDER TO SEIZE PROPERTY.] For executing an order of
 26 court to seize personal property, in counties of each class two dollars (\$2).

27 *Sixth*—CERTIFICATE OF LEVY.] For making a certificate of levy on real estate
 28 and filing or recording the same, in counties of each class one dollar (\$1), the
 29 fee for filing or recording the same to be advanced by the plaintiff in attach-
 30 ment or execution and to be taxed as costs.

31 *Seventh*—TAKING POSSESSION OF PROPERTY.] For taking possession of and
 32 removing property levied on, in counties of each class the sheriff shall be al-
 33 lowed the necessary actual costs of such possession or removal.

34 *Eighth*—ADVERTISING.] For advertising property for sale, in counties of the
 35 first class two dollars (\$2), in counties of the second class one dollar and fifty
 36 cents (\$1.50), and in counties of the third class one dollar (\$1).

37 *Ninth*—CERTIFICATE OF SALE.] For making a certificate of sale and making
 38 and filing a duplicate for record, in counties of each class one dollar (\$1), the
 39 fees for recording the same to be advanced by the party at whose instance the
 40 sale is made and to be taxed as costs.

41 *Tenth*—DEED ON REDEMPTION, ETC.] For preparing, executing and acknowl-
 42 edging a deed on redemption from a master's sale of real estate, in counties of
 43 each class five dollars (\$5), and for preparing, executing and acknowledging all
 44 other deeds on sale of real estate, in counties of each class two dollars (\$2).

45 *Eleventh*—CERTIFICATE OF ORDINARY REDEMPTION.] For making and filing a
 46 certificate of redemption, in counties of each class one dollar and fifty cents
 47 (\$1.50), the fees for recording the same to be advanced by the party making the
 48 redemption and to be taxed as costs.

49 *Twelfth*—CERTIFICATE OF REDEMPTION FROM MASTER'S SALE.] For making
 50 and filing a certificate of redemption from a master's sale, in counties of each
 51 class two dollars and fifty cents (\$2.50), the fee for recording the same to be
 52 advanced by the party making the redemption and to be taxed as costs.

53 *Thirteenth*—TAKING BONDS.] For taking all bonds on legal process and for
 54 taking special bail, in counties of the first and second classes one dollar (\$1)
 55 and in counties of the third class seventy-five (75) cents.

56 *Fourteenth*—RETURNING WRIT, ETC.] For returning each writ or process,
 57 seventy-five (75) cents, in counties of the first and second classes, and fifty (50)
 58 cents in counties of the third class.

59 *Fifteenth*—MILEAGE.] For mileage for the service of all processes served
 60 without the limits of the city or incorporated town in which the court is held,
 61 in counties of each class five (5) cents per mile or fractional mile each way
 62 necessarily travelled in making such service, computed from the nearest point
 63 on the boundary of such city or incorporated town to the place where service is
 64 made.

65 *Sixteenth*—ATTENDING BEFORE JUDGE.] For attending before a judge with
 66 the prisoner on a writ of habeas corpus, in counties of the first and second
 67 classes three dollars (\$3) per day, and in counties of the third class two dollars
 68 and fifty cents (\$2.50) per day.

69 *Seventeenth*—EXECUTING REQUISITIONS FROM OTHER STATES.] For executing
 70 requisitions from other states, in counties of each class the sum of five dollars
 71 (\$5).

72 *Eighteenth*—CONVEYING PRISONER TO ANOTHER COUNTY.] For conveying each
 73 prisoner from his own county to the jail of a foreign county, in counties of
 74 each class twenty-five (25) cents per mile or fractional mile for going only.

75 *Nineteenth*—COMMITTING PRISONER TO JAIL, ETC.] For committing each
 76 prisoner to or discharging him from jail, one dollar (\$1) in counties of the first
 77 class, seventy-five (75) cents in counties of the second class and fifty (50) cents
 78 in counties of the third class.

79 *Twentieth*—DIETING PRISONER.] For dieting each prisoner, in counties of
 80 each class such compensation, to cover actual costs, as may be fixed by the
 81 county board, such compensation not to be considered a part of the fees of the
 82 office.

83 *Twenty-first*—COMMITTING U. S. PRISONER.] For committing each prisoner
 84 to jail under the laws of the United States, to be paid by the marshal or other
 85 person requiring his confinement, one dollar (\$1) in counties of the first class,
 86 seventy-five (75) cents in counties of the second class and fifty (50) cents in
 87 counties of the third class.

88 *Twenty-second*—DIETING U. S. PRISONER.] For dieting such prisoner per
 89 day, in counties of the first class seventy-five (75) cents, in counties of the
 90 second class sixty-five (65) cents, and in counties of the third class thirty-five
 91 (35) cents, to be paid by the marshal or other person requiring such confine-
 92 ment.

93 *Twenty-third*—DISCHARGING U. S. PRISONER.] For discharging such prisoner,
 94 in counties of the first class one dollar (\$1), in counties of the second class
 95 seventy-five (75) cents, and in counties of the third class fifty (50) cents.

96 *Twenty-fourth*—CONVEYING CONVICTS TO PENITENTIARY.] For conveying con-
 97 victs to the penitentiary or reform school the following fees payable out of the
 98 State treasury, to-wit: When but one convict is conveyed, in counties of the
 99 first class thirty-five (35) cents per mile, in counties of the second class
 100 thirty (30) cents per mile, and in counties of the third class twenty-five (25)
 101 cents per mile, in going only, to the penitentiary or reform school from the
 102 place of conviction; when two convicts are conveyed at the same time, in coun-

103 ties of the first class thirty-five (35) cents per mile for the first and twenty-five
 104 (25) cents per mile for the second convict; in counties of the second class thirty
 105 (30) cents per mile for the first and twenty (20) cents per mile for the second
 106 convict, and in counties of the third class twenty-five (25) cents per mile for
 107 the first and fifteen (15) cents per mile for the second convict; when more than
 108 two convicts are conveyed at the same time to the penitentiary or reform school
 109 as aforesaid the sheriff shall be allowed in counties of each class ten (10) cents
 110 per mile for each additional convict.

111 *Twenty-fifth*—COMMISSIONS ON SALES.] For every sale of real or personal
 112 estate which shall be made by virtue of any execution or any decree of a court
 113 of equity, a commission of three (3) per centum where the money arising from
 114 such sale shall not exceed two hundred dollars (\$200); and in every case where
 115 the amount of sale shall exceed two hundred dollars (\$200), three (3) per
 116 centum on the first two hundred dollars (\$200) and one and one-half (1½)
 117 per centum on the balance shall be allowed: *Provided*, that in every case where
 118 the execution shall be settled by the parties, replevied, estopped by injunction,
 119 or paid, or where the property levied upon shall not be actually sold, the
 120 sheriff shall be allowed his fees for levying and mileage, together with half the
 121 commission on all money collected by him which he would be entitled to if the
 122 same were made by sale on execution; and no other fees or compensation what-
 123 ever shall be allowed on any execution, except the necessary expenses for keep-
 124 ing personal property, to be ascertained and allowed by the court out of which
 125 the same shall be issued.

126 *Twenty-sixth*—EXECUTING SENTENCE OTHER THAN IMPRISONMENT.] For execut-
 127 ing any sentence of punishment other than imprisonment, for which no fees are
 128 allowed by this Act, a reasonable compensation to be allowed by the county
 129 board and paid out of the county treasury, but not to exceed one hundred dol-
 130 lars (\$100).

Sec. 1990. SHERIFF'S PER DIEM.] The sheriff shall be allowed for each day's
 2 attendance, by himself or deputy, upon each court of record in his county, or,
 3 in case of a court having several branches, for each day's attendance, by himself
 4 or deputy, upon each branch, the sum of six dollars (\$6), the same to be paid
 5 out of the county treasury as a part of the earnings of his office.

Sec. 1991. FEES IN CRIMINAL ACTIONS--HOW PAID.] In every criminal action
 2 in which the defendant shall be acquitted, or otherwise legally discharged, with-
 3 out payment of costs, the clerk of the court and the sheriff shall be paid from
 4 the county treasury the same fees hereinbefore provided to be paid in case of
 5 the defendant's conviction, and in every criminal action in which the defendant
 6 is convicted and the costs taxed against him are not collected, the clerk of the
 7 court and the sheriff shall be paid from the county treasury the fees taxed as
 8 aforesaid: *Provided, however, that* no such fees shall be paid to the clerk or
 9 sheriff, as the case may be, from the county treasury for any year when the
 10 fees collected by him during such year shall equal or exceed the compensation
 11 or salary allowed him by the county board: *and provided further,* that no more
 12 of such fees shall in any case be paid from the county treasury than shall be
 13 sufficient, with the fees collected, to make the salary or compensation of said
 14 clerk or sheriff, as the case may be.

Sec. 1992. SHERIFF'S FEES BEFORE JUSTICES OF THE PEACE.] The costs to be
 2 paid the sheriff for services rendered by him in actions and proceedings before
 3 justices of the peace shall be the same as are provided by this Act for constables
 4 for like services, and payment thereof shall be made in the manner provided by
 5 this Act for the payment of like fees to constables.

Sec. 1993. MILEAGE TO BE ENDORSED ON WRITS.] It shall be the duty of each
 2 sheriff or other officer entitled to mileage under this Act to endorse on each
 3 writ, summons, subpoena or other process that he may execute, the distance he

4 may travel to execute the same, ascertaining the distance and the charge prop-
 5 erly allowable therefor, in conformity with the provisions of this Act.

Sec. 1994. FEES OF BAILIFF, ETC.] The fees and mileage of any bailiff or
 2 deputy bailiff of any court of record, for the service or execution of any sum-
 3 mons or other writ or order of court, shall be the same as those provided by this
 4 Act for a sheriff of a county of the third class for similar services, such fees and
 5 mileage to be accounted for by him as the other earnings of his offices are re-
 6 quired by law to be accounted for, and payment thereof shall be made in the
 7 manner provided in this Act for the payment of like fees to sheriffs.

Sec. 1995. FEES OF MASTERS IN CHANCERY.] The fees of masters in chancery
 2 shall be as follows:

3 *First*—ADMINISTERING OATHS.] For administering oaths and signing jurat
 4 when not taking evidence or depositions, twenty-five (25) cents.

5 *Second*—ACKNOWLEDGMENTS.] For taking acknowledgment or proof of any
 6 deed or other written instrument, twenty-five (25) cents.

7 *Third*—TAKING AND REPORTING TESTIMONY.] For taking and reporting testi-
 8 mony under order of court, one dollar (\$1) for each hour or fractional hour occu-
 9 pied in the taking of the same, the same to be taken down upon a typewriter or
 10 stenographically and the typewriter's or stenographer's fees for taking down,
 11 or taking down and transcribing the same, as hereinafter fixed, to be paid by the
 12 party by whom the master's fees are payable in the first instance.

13 *Fourth*—DEPOSITIONS.] For attendance upon the taking of depositions and
 14 certifying the same, the same fees as are allowed by this Act to clerks of courts
 15 for the same services.

16 *Fifth*—TAKING EVIDENCE AND REPORTING WITH CONCLUSIONS.] For taking evi-
 17 dence and reporting the same, with conclusions as to the facts, or as to law and
 18 the facts, the same fees as for taking and reporting testimony under order

19 of court and, in addition thereto, for each hour or fractional hour occupied in
 20 hearing arguments, and for each hour occupied in preparing the report, one dol-
 21 lar (\$1) in counties of the first and second classes and two dollars (\$2) in
 22 counties of the third class: *Provided, however,* that in no case shall more than
 23 ten (10) hours be allowed for the preparing of the report.

24 *Sixth*—MAKING SALES AND DEEDS.] For making sales and deeds thereun-
 25 der, the same fees and allowances as are provided by this Act for sheriffs.

26 *Seventh*—MAKING DEED ALONE.] For making a deed alone in other cases
 27 when required by order or decree of court, three dollars (\$3).

28 *Eighth*—REPORT OF SALE.] For a report of sale in every action or proceeding
 29 when any sale is had, two dollars (\$2).

30 *Ninth*—NE EXEAT OR INJUNCTION.] For hearing and deciding an application
 31 for a writ of ne exeat or injunction, to be advanced by the plaintiff and to be
 32 taxed with the costs, five dollars (\$5).

33 *Tenth*—HABEAS CORPUS OR CERTIORARI.] For ordering or refusing to
 34 order a writ of habeas corpus or certiorari, to be advanced by the party ap-
 35 plying for such writ and to be taxed with the costs, two dollars (\$2).

36 But nothing herein contained shall be construed to require the payment of
 37 any master's fees in any case where, by the terms of section eight hundred
 38 twenty-five (825) of this act, no deposit of costs is required, excepting that a
 39 party requesting the master to return evidence with his report in any such case
 40 shall pay the fees of the stenographer for transcribing the testimony, unless
 41 the court shall otherwise direct.

Sec. 1996. FEES IN STENOGRAPHIC AND TYPEWRITING DEPARTMENT.] The fees
 2 to be paid for services rendered by any stenographic and typewriting depart-
 3 ment organized as provided by this Act shall, excepting as may be otherwise
 4 provided by this Act, be as follows:

5 *First*—FEES FOR ATTENDANCE IN OTHER THAN CRIMINAL ACTIONS.] For each
 6 half day's attendance or fractional half day's attendance of a court stenographer
 7 in court for the purpose of taking stenographic notes of the proceedings
 8 in any action other than a criminal action, one dollar (\$1) in counties of the
 9 first and second classes and two dollars (\$2) in counties of the third class, the
 10 same, unless the court shall otherwise direct, to be taxed as costs against the
 11 unsuccessful party in such action, or, in case of an apportionment of costs,
 12 against the respective parties therein in accordance with such apportionment,
 13 and when collected to be disposed of as provided in this Act.

14 *Second*—FEES FOR ATTENDANCE IN CRIMINAL ACTIONS.] For each half day's
 15 attendance or fractional half day's attendance of a court stenographer in court
 16 for the purpose of taking stenographic notes of the proceedings in a criminal
 17 action three dollars (\$3) in counties of the first and second classes and five dol-
 18 lars (\$5) in counties of the third class, the same to be taxed against the defend-
 19 ant in case of his final conviction only.

20 *Third*—ATTENDANCE UPON AND WORK FOR ATTORNEY.] For attendance upon
 21 any attorney at law authorized to practice in the courts of record of this State
 22 and resident therein for the purpose of taking stenographic notes of matter dic-
 23 tated, or for taking down upon a typewriter matter dictated, for each hour or
 24 fractional hour fifty (50) cents, and for transcribing from stenographic notes
 25 and furnishing the original and two carbon copies thereof, four (4) cents for
 26 each one hundred (100) words of the original copy thereof, and, when more
 27 than two (2) carbon copies are required, an additional charge shall be made at
 28 the rate of two (2) cents for each one hundred (100) words of each additional
 29 carbon copy; and for furnishing the original and two (2) carbon copies of mat-
 30 ter dictated and taken down directly upon the typewriter two (2) cents for
 31 each one hundred (100) words of the original copy thereof, and, when more
 32 than two (2) carbon copies are required, an additional charge shall be made at

the rate of one (1) cent for each one hundred (100) words of each additional carbon copy.

Fourth—MAKING TYPEWRITTEN COPIES.] For making a typewritten copy of any record entry or paper filed in any action or proceeding in any court of record, or of any paper to be used therein, for any attorney at law authorized to practice in the courts of record in this State and resident therein, for each one hundred (100) words thereof, three (3) cents and for each carbon copy thereof one (1) cent for each one hundred (100) words thereof.

Fifth—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER THAN CRIMINAL ACTIONS.] For transcribing from stenographic notes depositions to be used in courts of this State, proceedings before a master in chancery, or proceedings in court, other than in criminal actions, and furnishing the original and two carbon copies thereof, the same to be paid, in the first instance, by the party ordering the transcribing thereof, six (6) cents for each one hundred (100) words of the original copy thereof, and, when more than two (2) carbon copies are furnished, an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy.

Sixth—TAKING DOWN PROCEEDINGS BEFORE MASTER, ETC., AND FURNISHING COPIES.] For taking down directly upon a typewriter proceedings before a master, or depositions to be used in any action or proceeding in any court of this State, and furnishing the original of the matter so taken down and two (2) carbon copies thereof, the same to be paid, in the first instance, by the party in whose behalf the same is taken down, five (5) cents for each one hundred (100) words of the original copy thereof, and, when more than two (2) carbon copies are furnished an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy.

Seventh—TAKING DOWN, ETC., DEPOSITIONS TO BE USED IN COURTS OTHER THAN THOSE OF THIS STATE.] For taking down stenographically or directly upon a

61 typewriter depositions to be used in any court other than a court of this State,
62 for each hour or fractional hour fifty (50) cents, and for transcribing from sten-
63 ographic notes and furnishing the original and two (2) carbon copies thereof,
64 six (6) cents for each one hundred (100) words of the original thereof, and,
65 when more than two (2) carbon copies are required, and additional charge shall be
66 made at the rate of two (2) cents for each one hundred (100) words of each addi-
67 tional carbon copy thereof, and for furnishing the original and two (2) carbon
68 copies of matter dictated and taken down directly upon the typewriter, five
69 (5) cents for each one hundred (100) words of the original copy thereof, and,
70 when more than two (2) carbon copies are required an additional charge shall
71 be made at the rate of two (2) cents for each one hundred (100) words of
72 each additional carbon copy.

73 *Eighth*—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN CRIMINAL CASES PUNISH-
74 ABLE BY DEATH OR CONFINEMENT IN THE PENITENTIARY.] For transcribing from
75 stenographic notes, proceedings in court in criminal actions in which the punish-
76 ment may be death or confinement in the penitentiary, and furnishing the
77 original to the presiding judge, one carbon copy to the State's attorney and one
78 carbon copy to the defendant, ten (10) cents for each one hundred (100) words
79 of the original copy thereof, and when more than two (2) carbon copies are fur-
80 nished an additional charge shall be made at the rate of three (3) cents for
81 each one hundred (100) words of each additional carbon copy. In every such
82 criminal action, whenever a stenographic and typewriting department shall
83 have been established as provided in this Act, there shall be furnished to the
84 presiding judge for use during the progress of the trial, whenever and as prompt-
85 ly as the same may be practicable, a transcript of the stenographic notes of
86 the proceedings and to the State's attorney and to the defendant each a carbon
87 copy thereof for their use during the trial, and, in case of the defendant's
88 conviction, the transcript furnished the presiding judge may be used by the

defendant in the preparation of a report of the proceedings to be settled and signed by the judge. In case there are several defendants or groups of defendants represented by different attorneys, the court may, in its discretion, cause an additional carbon copy of such transcript to be furnished to the defendants and may make such order with respect to the use thereof as the court may deem proper. In case of the conviction of the defendant the fees for such transcript and carbon copies and for the attendance of the court stenographer shall be taxed as costs in the action against such defendant, to be collected as other costs in the action: *Provided, however,* that the court may, in its discretion, as hereinafter provided, remit the whole or any portion of such costs.

Ninth—TRANSCRIPTS FROM STENOGRAPHIC NOTES IN OTHER CRIMINAL ACTIONS.]

For transcribing from stenographic notes proceedings in court in criminal actions in which the punishment may not be death or confinement in the penitentiary, and furnishing the original to the presiding judge, one carbon copy thereof to the State's attorney and one carbon copy thereof to the defendant, eight (8) cents for each one hundred (100) words of the original copy thereof, and when more than two (2) carbon copies are furnished an additional charge shall be made at the rate of two (2) cents for each one hundred (100) words of each additional carbon copy. No transcript of the proceedings shall be made in any such action prior to the entry of final judgment, excepting by the direction of the presiding judge or of the defendant, and in either case the fees therefor shall only be taxed against the defendant in case of his final conviction. When the proceedings are transcribed by the direction of the defendant prior to the entry of final judgment, he shall pay the fees therefor in advance; but in case of his acquittal or discharge he shall, upon application to the court therefor, be entitled to an order for the repayment to him, out of the funds of the stenographic and typewriting department, of the amount so paid: *Provided, however,* that upon the conviction of any defendant and the suing out by him

117 of a writ of error in a case in which a transcript of the stenographic notes of
 118 the proceedings shall not have been previously made by the defendant's direc-
 119 tion, it shall be the duty of the court, upon the application of the defendant
 120 and upon the proof that he is a poor person within the meaning of this Act, to
 121 cause to be furnished to such defendant such transcript, together with a carbon
 122 copy thereof, without payment therefor in advance, the fees therefor to be
 123 taxed as costs against such defendant in case of the affirmance of the judg-
 124 ment of conviction, or the dismissal of the writ of error. Whenever, in any
 125 criminal action a defendant shall have paid the fees for a transcript of the
 126 proceedings and he shall thereafter be acquitted or discharged, he shall, upon
 127 application to the court therefor, be entitled to an order for the repayment
 128 to him, out of the funds of the stenographic and typewriting department, of
 129 the amount so paid.

Sec. 1997. USE TO BE MADE OF ORIGINAL AND CARBON COPIES.] When any dep-
 2 osition, proceeding before a master, or proceeding in court, provided for by
 3 clauses fifth, sixth and seventh of the preceding section, is transcribed from
 4 stenographic notes or taken down directly upon a typewriter, the original copy
 5 of the deposition shall be returned into the proper court, the original copy of
 6 proceedings, including the taking of testimony, before a master shall be fur-
 7 nished to the master, and the original copy of proceedings in court, including
 8 the taking of testimony, shall be furnished the presiding judge, and one carbon
 9 copy in each of said cases, shall be furnished to each party to the action, or to
 10 each group of parties who shall have entered a separate appearance.

Sec. 1998. FEES OF WITNESSES.] The fees of each witness for attending any
 2 court of record in any action pending therein shall be one dollar and fifty cents
 3 (\$1.50) for each day's necessary attendance, and in addition thereto, when the
 4 witness does not reside in the county seat of the county in which the court is
 5 held, five (5) cents per mile each way for necessary travel between the resi-

6 dence of the witness and the place of holding court, and, when the witness re-
7 sides in a county other than that in which the court is held, an additional sum
8 equal to two dollars (\$2) for each ten (10) miles or fraction thereof between
9 the residence of the witness and the place where the court is held, the distance
10 in each case mentioned in this section to be estimated by the distance of nec-
11 essary travel by the route most convenient for the witness.

Sec. 1999. HOW WITNESSES' FEES PAID.] The fees, including mileage, of
2 witnesses in civil and quasi criminal actions, other than those to recover fines
3 or penalties for the violation of municipal ordinances, or those instituted by the
4 People of the State of Illinois, or in the name of any state, county or municipal
5 officer in his official capacity, shall be paid in the first instance by the party
6 calling the witness, and each witness whose witness fees have been paid as
7 aforesaid by the party by whom he has been called or who, not having been
8 paid as aforesaid, intends to claim his witness fees, shall, at the demand of
9 the party calling such witness, make his affidavit showing the number of days
10 of necessary attendance and the number of miles of necessary travel and de-
11 liver the same to the party calling such witness to be filed by such party with
12 the clerk. But no witness in any such case shall be entitled to demand pay-
13 ment of his fees or mileage in advance of the giving of his testimony: *Provided,*
14 *however,* that when any witness is a poor person, the court may, in its descretion,
15 require the fees or mileage, or both of such witness to be paid in advance by
16 the party calling such witness. The fees and mileage of a witness in a crim-
17 inal action, when such action is tried outside the county in which the witness
18 resides, shall be paid out of the county treasury of the county in which the
19 information is filed on the certificate of the clerk of the court in which the
20 trial is had: *Provided, however,* that, to entitle such witness to payment as
21 aforesaid, he shall make affidavit of the distance traveled; that it was the usu-
22 ally traveled and most direct route, of the number of days' actual attendance

23 and that such attendance was at the instance of the State's attorney, or the
 24 accused or his attorney, to which shall be added the certificate of the judge that
 25 the amount is reasonable and that he was a material witness in the action.
 26 Whenever any witness in a criminal action, who is a resident of the county in
 27 which the action is tried, is a poor person the court may, in its discretion,
 28 order that the fees and mileage of such witness be paid out of the county treas-
 29 ury and the same shall be paid by the county treasurer upon the presentation
 30 to him of a certificate of the clerk of the entry of such order and of the amount
 31 to be paid to the witness.

Sec. 2000. PEOPLE, MUNICIPAL CORPORATIONS, ETC., NOT TO PAY COSTS.] No
 2 costs or fees of any kind or character in any action or proceeding, whether in
 3 a court of record or before a justice of the peace, shall be required to be paid
 4 by the people of the State of Illinois, or by any municipal corporation, or by
 5 any state, county or municipal officer instituting or defending any action or
 6 proceeding in his official capacity, but, in every such case, if final judgment
 7 is entered against the opposite party to the action, and such opposite party is not
 8 a municipal corporation, or a state, county or municipal officer suing or defend-
 9 ing in his official capacity, all the costs of the action may, in the discretion of
 10 the court or justice of the peace, be awarded against such opposite party and
 11 may be collected by execution or otherwise, and, when so collected, shall be paid
 12 over to or retained by the proper officers to be accounted for, or otherwise dis-
 13 posed of, by them as other costs collected by them, such costs to be taxed at
 14 the rates fixed by this Act for like services in a like action or proceeding in
 15 which the People of the State of Illinois, or any municipal corporation, or any
 16 state, county or municipal officer is not a party.

Sec. 2001. WHEN ADVANCE COSTS NOT REQUIRED OF DEFENDANT—JUDGMENT
 2 FOR COSTS.] Excepting as may be otherwise expressly provided by this Act,
 3 no advance costs of any kind or character shall be required to be paid in any

4 court of original jurisdiction or before any justice of the peace by any defend-
 5 ant in any criminal action, or any quasi criminal action to recover a fine or
 6 penalty for the violation of a municipal ordinance, or in any quasi criminal
 7 action instituted by the People of the State of Illinois, or in the name of any
 8 state, county or municipal officer in his official capacity, but in every such case,
 9 if final judgment is entered against the defendant, all the costs of the action
 10 may, in the discretion of the court or justice of the peace, be awarded against
 11 such opposite party and may be collected by execution or otherwise, and, when
 12 so collected, shall be paid over to or retained by the proper officers to be ac-
 13 counted for or otherwise disposed of by them as other costs collected by them,
 14 such costs to be taxed at the rates fixed by this Act.

Sec. 2002. WHEN DEFENDANT ENTITLED TO REPAYMENT.] In any civil action
 2 brought by the People of the State of Illinois, or by or against any county or
 3 other municipal corporation, or by or against any state, county or municipal
 4 officer in his official capacity the opposite party, in case final judgment is entered
 5 in his favor, shall be entitled to repayment by all the officers of court, includ-
 6 ing court stenographers, of the fees or costs paid by him to such officers in such
 7 action.

Sec. 2003. COSTS REMITTED WHEN.] Any court of record or justice of the
 2 peace may, in its or his discretion, order that any part or the whole of the costs
 3 in any criminal or quasi criminal action, other than a qui tam action or other
 4 action brought in the name or for the benefit of a private individual to re-
 5 cover a statutory penalty, be remitted, in which case the costs ordered to be
 6 remitted shall not be taxed against the defendant in case of his conviction.

Sec. 2004. PLAINTIFF'S TAXABLE COSTS FOR PREPARING PAPERS.] The plaintiff
 2 shall be entitled to have taxed as costs in his favor as compensation for the
 3 preparation of the papers to be filed by him as hereinbefore provided for the
 4 following sums:

5 *First*—PRAECIPE—STATEMENT—DISTRESS WARRANT, ETC. — AFFIDAVIT — INTER-
 6 ROGATORIES.] For each praecipe, statement of claim or affidavit of claim, distress
 7 warrant and inventory, or interrogatories to garnishee, fifty (50) cents.

8 *Second*—REPLEVIN OR ATTACHMENT AFFIDAVIT.] For each affidavit in attach-
 9 ment or replevin, one dollar (\$1).

10 *Third*—ATTACHMENT OR REPLEVIN BOND.] For each bond in attachment or
 11 replevin, one dollar (\$1).

12 *Fourth*—MANDAMUS—HABEAS CORPUS—QUO WARRANTO.] For each petition
 13 in an action of mandamus or action of habeas corpus, or information in an
 14 action of quo warranto, two dollars (\$2).

15 *Fifth*—EQUITY.] For each bill of complaint in an action in equity, three
 16 dollars (\$3).

Sec. 2005. PLAINTIFF'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.]

2 The plaintiff shall be entitled to have taxed as costs in his favor, as compensa-
 3 tion for the preparation and service of the copies of papers to be served by him
 4 as hereinbefore provided for, the following sums:

5 *First*—PRAECIPE—STATEMENT OR AFFIDAVIT OF CLAIM, ETC.] For each copy of
 6 a praecipe, statement of claim, affidavit of claim, distress warrant and inven-
 7 tory, affidavit in attachment or replevin, or bond in attachment or replevin, or
 8 interrogatories to garnishee, the sum of twenty-five (25) cents.

9 *Second*—MANDAMUS—HABEAS CORPUS—QUO WARRANTO.] For each petition
 10 in an action of mandamus or habeas corpus, or information in an action of
 11 quo warranto, one dollar (\$1).

12 *Third*—EQUITY.] For each bill of complaint in an action in equity, two
 13 dollars (\$2).

Sec. 2006. DEFENDANT'S TAXABLE COSTS FOR PREPARING PAPERS.] The de-

2 fendant shall be entitled to have taxed as costs in his favor, as compensation

3 for the preparation of the papers to be filed by him as hereinbefore provided
4 for, the following sums:

5 *First*—APPEARANCE AND SPECIFICATIONS OF DEFENSE.] For each appearance
6 and specification of defense or defenses, fifty (50) cents.

7 *Second*—ABATEMENT—AFFIDAVIT.] For each motion and affidavit in abate-
8 ment, affidavit of merits, or affidavit denying ground of attachment, one dol-
9 lar (\$1).

10 *Third*—MANDAMUS—QUO WARRANTO—HABEAS CORPUS.] For an answer in an
11 action of mandamus, or pleas in an action of quo warranto, or the return in
12 an action of habeas corpus, two dollars (\$2).

13 *Fourth*—EQUITY.] For an answer to a bill, cross-bill or bill of interven-
14 tion in equity, three dollars (\$3).

15 *Fifth*—CROSS-BILL.] For a cross-bill in equity, three dollars (\$3).

Sec. 2007. DEFENDANT'S TAXABLE COSTS FOR PREPARING AND SERVING COPIES.]

2 The defendant shall be entitled to have taxed as costs in his favor as compen-
3 sation for the preparation and service of the copies of the papers required to
4 be served, as hereinbefore provided for, the following sums:

5 *First*—APPEARANCE—SPECIFICATION OF DEFENSE, ETC.] For each appearance,
6 specification of defense or defenses, motion and affidavit in abatement, affidavit
7 of merits, or affidavit denying ground of attachment, twenty-five (25) cents.

8 *Second*—MANDAMUS—QUO WARRANTO—HABEAS CORPUS.] For an answer in an
9 action of mandamus, or the pleas in an action of quo warranto, or the return
10 in an action of habeas corpus, one dollar (\$1).

11 *Third*—EQUITY.] For an answer to a bill, cross-bill or bill of interven-
12 tion in equity, two dollars (\$2).

Sec. 2008. PARTY'S STENOGRAPHER'S FEES.] Either party to a civil or quasi
2 criminal action, other than one brought by the People of the State of Illinois,
3 or by any municipal corporation, or by any state, county or municipal officer in-
4 stituting an action in his official capacity, who shall have ordered and paid
5 for the transcribing of proceedings in court, as hereinbefore provided, shall be
6 entitled to have taxed as costs in his favor and against the opposite party
7 the amount so paid: *Provided, however,* that no such costs shall be taxed in
8 favor of any plaintiff recovering judgment in any action at law brought for the
9 recovery of money or personal property, when the amount of money or the
10 value of the personal property recovered by him, or the amount so recovered,
11 together with any set-off or counter-claim of the defendant defeated, shall not
12 exceed five hundred dollars (\$500), exclusive of costs; nor shall any such costs
13 be taxed in favor of any defendant recovering judgment in any such action
14 unless the plaintiff's claim defeated by such defendant, when the defendant re-
15 covers costs only, or the plaintiff's claim defeated by such defendant, together
16 with the amount in money or personal property recovered by such defendant,
17 when the defendant recovers money or personal property in addition to costs,
18 exceeds five hundred dollars (\$500). In civil actions at law, other than actions
19 for the recovery of money or personal property, the allowance of costs to
20 either party for moneys paid for the transcribing of proceedings in court shall
21 be in the discretion of the court, such discretion to be exercised as near as
22 may be, in a manner which will not make costs in actions involving small
23 amounts of property unduly burdensome to either of the parties. In any civil
24 or quasi criminal action brought by the People of the State of Illinois, or by
25 or against any municipal corporation, or by or against any state, county or mu-
26 nicipal officer instituting or defending an action in his official capacity, the other
27 party to the action, upon the entry of final judgment in his favor, if he shall
28 have paid for the transcribing of the proceedings, or of any portion thereof,

29 shall, upon application to the court therefor, be entitled to an order for the
 30 repayment to him out of the funds of the stenographic and typewriting depart-
 31 ment of the amount so paid.

Sec. 2009. COSTS FOR PREPARING REPORT OF PROCEEDINGS.] The party prepar-
 2 ing and tendering to a judge for settlement and signature a report of proceed-
 3 ings shall be allowed to have taxed as costs in his favor therefor, in addition
 4 to the fees, if any, paid by such party to the stenographic and typewriting de-
 5 partment for a transcript of the stenographic notes of the proceedings, such
 6 sum, not less than five dollars (\$5) nor more than twenty-five dollars (\$25), as
 7 the court may deem reasonable and just, the amount so to be allowed to be en-
 8 dorsed upon such report by the judge at the time of signing the same: *Pro-*
 9 *vided, however,* that no such costs shall be taxed unless such report shall be
 10 used in the prosecution of an appeal or writ of error.

Sec. 2010. PRINTING RECORD, ETC.] The party printing any record or por-
 2 tion thereof in any case of appeal to or writ of error from the supreme court
 3 or an appellate court, shall be allowed to have taxed as costs in his favor the
 4 actual cost of such printing, together with two (2) cents for each one hundred
 5 (100) words printed. The same allowance shall be made in favor of any party
 6 who shall have printed the record or any portion thereof for use in the court
 7 of original jurisdiction, and such printed record or portion thereof shall be used
 8 in the supreme court or appellate court in accordance with the provisions of
 9 this Act.

Sec. 2011. PRINTING ARGUMENT.] The party preparing and printing any
 2 argument in any case of appeal to or writ of error from the supreme court or
 3 any appellate court shall be allowed to have taxed as costs in his favor the
 4 sum of ten dollars (\$10).

Sec. 2012. COSTS FOR SERVING SUMMONS, ETC., BY PERSON NOT OFFICER.] The
 2 party procuring the service of any summons, subpoena, garnishee summons,
 3 citation or order of court when the same is not served by any officer authorized
 4 by this Act to serve the same, shall be entitled to have taxed as costs in his
 5 favor one-half the fees which would be payable if the same were served by such
 6 officer.

Sec. 2013. COSTS OF GARNISHEE.] Every person summoned as a garnishee,
 2 if it appear to the satisfaction of the court that he has truly disclosed all of
 3 the lands, tenements, goods, chattels, moneys, choses in action, credits and
 4 effects, if any, in his hands belonging to the defendant in the attachment, shall
 5 be allowed out of such lands, tenements, goods and chattels, moneys, choses in
 6 action, credits and effects, if any, or, if there be none such, then as costs to be
 7 taxed in his favor against the plaintiff, the following:

8 *First*—PREPARING AND SERVING COPIES OF ANSWERS TO INTERROGATORIES.] For
 9 preparing and serving copies of answers to interrogatories in an action of at-
 10 tachment, one dollar (\$1).

11 *Second*—NECESSARY ATTENDANCE.] For necessary attendance for each day
 12 or fractional day, one dollar and fifty cents (\$1.50).

13 *Third*—WITNESSES' FEES, ETC.] For the fees and mileage of necessary wit-
 14 nesses the same fees and mileage as are allowed other parties to actions in the
 15 respective courts.

Sec. 2014. FEES OF CLERK OF SUPREME COURT IN ACTIONS.] The fees of the
 2 clerk of the supreme court in actions in said court, which fees shall be in full
 3 for all services to be rendered by said clerk for both parties including a certi-
 4 fied copy of the opinion of the court to be furnished to each party, but not

5 including services for which special provision is made by this Act, shall be as
6 follows:

7 *First*—ORIGINAL ACTION.] For each action brought in said court by virtue
8 of its original jurisdiction, thirty dollars (\$30) to be paid by the party com-
9 mencing the same at the time of the commencement thereof.

10 *Second*—APPEAL.] For each appeal from an order, judgment or decree
11 of an inferior court to be paid by the party appealing at the time of the filing
12 of his notice of appeal in the inferior court, or at the time of the allowance
13 of the appeal by the supreme court or appellate court, as hereinbefore pro-
14 vided, as the case may be, twenty-five dollars (\$25).

15 *Third*—WRIT OF ERROR.] For each case of a writ of error prosecuted to
16 an inferior court to be paid by the party suing out the writ of error at the
17 time of suing out the same, twenty-five dollars (\$25) in any other than a
18 criminal action, and ten dollars (\$10) in a criminal action: *Provided, how-*
19 *ever,* that when, in any criminal action, the judgment of the inferior court shall
20 be reversed, said ten dollars (\$10) shall be refunded by the clerk to the party
21 who shall have paid the same.

Sec. 2015. FEES OF CLERK OF APPELLATE COURT IN ACTIONS.] The fees of
2 each clerk of an appellate court in actions in said court, which fees shall be in
3 full for all services to be rendered by said clerk for both parties, including a
4 certified copy of the opinion of the court to be furnished to each party, not in-
5 cluding services for which special provision is made by this Act, shall be as
6 follows:

7 *First*—APPEAL.] For each appeal from an order, judgment or decree of
8 an inferior court, to be paid by the party appealing at the time of the filing of
9 his notice of appeal in the inferior court, or at the time of the allowance of
10 the appeal by the appellate court, as hereinbefore provided, as the case may
11 be, twenty-five dollars (\$25).

12 *Second*—WRIT OF ERROR.] For each case of a writ of error prosecuted to
 13 an inferior court, to be paid by the party suing out the writ of error at the
 14 time of suing out the same, twenty-five dollars (\$25).

Sec. 2016. OTHER FEES OF CLERK OF SUPREME COURT.] The fees of the
 2 clerk of the supreme court for services not included within those provided for
 3 in the preceding section shall be as follows:

4 *First*—ENTERING ATTORNEY ON ROLL.] For entering an attorney on the roll.
 5 administering an oath, and certifying the same, with seal, one dollar (\$1).

6 *Second*—COMPLETE RECORD.] For making and certifying a complete record
 7 in any action when directed by either party, for each one hundred (100)
 8 words twenty (20) cents.

9 *Third*—COPY OF REGISTER AND MINUTE BOOK, ETC.] For making and mailing,
 10 or otherwise delivering, to any attorney at law authorized to practice in the
 11 courts of record of this State and resident therein, a certified copy of the en-
 12 tries in the register and minute book in any action in said court, fifty
 13 (50) cents, and an additional fifty (50) cents when the same is accom-
 14 panied with a certified copy of a final order, judgment or decree in such action.

15 *Fourth*—TYPEWRITTEN COPIES.] For making for any attorney at law au-
 16 thorized to practice in the courts of record of this State a typewritten copy,
 17 uncertified, of any paper, record or portion thereof, in any action, whether
 18 pending or determined in said court, four (4) cents for each one hundred (100)
 19 words thereof, and two (2) cents for each one hundred (100) words of each
 20 carbon copy thereof.

Sec. 2017. OTHER FEES OF CLERK OF APPELLATE COURT.] The fees of each
 2 clerk of an appellate court for services not included within those provided for
 3 in the preceding section shall be as follows:

4 *First*—COMPLETE RECORD.] For making and certifying a complete record
 5 in any action when directed by either party, for each one hundred (100)
 6 words twenty (20) cents.

7 *Second*—COPY OF REGISTER AND MINUTE BOOK, ETC.] For making and mailing
 8 or otherwise delivering, to any attorney at law authorized to practice in the
 9 courts of record in this State and resident therein, a certified copy of the
 10 entries in the register and minute book in any action in said court, fifty
 11 (50) cents, and an additional fifty (50) cents when the same is ac-
 12 companied with a certified copy of a final order, judgment or decree in such
 13 action. Any such certified copy of the entries in the register and minute book,
 14 or a certified copy of the entries in the register and minute book provided for
 15 in the preceding section, shall have the same force and effect as evidence as
 16 is hereinbefore provided with respect to a certified copy of the entries in the
 17 register and minute book of a court of record of original jurisdiction.

18 *Third*—TYPEWRITTEN COPIES.] For making for any attorney at law author-
 19 ized to practice in the courts of record of this State and resident therein a
 20 typewritten copy, uncertified, of any paper, record or portion thereof in any
 21 action, whether pending or determined, in said court, four (4) cents for each
 22 one hundred (100) words thereof, and two (2) cents for each one hundred (100)
 23 words of each carbon copy thereof.

24 *Fourth*—AUTHENTICATED RECORD.] For certifying the authenticated record
 25 of the inferior court and making up and certifying the order, judgment or de-
 26 cree of the appellate court for the purpose of an appeal to or writ of error from
 27 the supreme court, in each case five dollars (\$5).

Sec. 2018. FEES OF JUSTICES OF THE PEACE.] The fees of justices of the
 2 peace shall be as follows:

3 *First*—GENERAL SERVICES IN ACTIONS FOR MONEY OR PERSONAL PROPERTY.] For
 4 all services to be rendered by the justice in every action at law for the recovery
 5 of money or personal property, or both, other than services for which special
 6 provision is made by this Act, the sum of one dollar (\$1), when the amount of
 7 money or property, or both, claimed by the plaintiff does not exceed fifty dol-
 8 lars (\$50); the sum of two dollars (\$2) when the amount in money or property,
 9 or both, claimed by the plaintiff exceeds fifty dollars (\$50) but does not exceed
 10 one hundred dollars (\$100); and the sum of three dollars (\$3) when the amount
 11 in money or property, or both, claimed by the plaintiff exceeds one hundred
 12 dollars (\$100).

13 *Second*—GENERAL SERVICES IN FORCIBLE DETAINER.] For all services to be
 14 rendered by said justice in an action of forcible detainer, other than services
 15 for which special provision is made by this Act, the sum of two dollars (\$2):
 16 *Provided, however,* that when, in any such action, the plaintiff unites with his
 17 claim for possession of the property a claim for rent or damages, he shall pay the
 18 further sum of fifty (50) cents when the amount claimed for rent or damages
 19 does not exceed one hundred dollars (\$100); or, the further sum of one dollar
 20 (\$1) when the amount claimed for rent or damages exceeds one hundred dol-
 21 lars (\$100).

22 *Third*—GENERAL SERVICES IN CRIMINAL ACTIONS.] For all services to be ren-
 23 dered by said justice in a criminal action, other than services for which special
 24 provision is made by this Act, the sum of one dollar (\$1).

25 *Fourth*—PEACE PROCEEDINGS.] For all services to be rendered by said justice
 26 in a peace proceeding other than services for which special provision is made
 27 by this Act, the sum of two dollars (\$2).

28 *Fifth*—EXAMINATION PROCEEDINGS.] For all services to be rendered by said
 29 justice in an examination proceeding, other than services for which special
 30 provision is made by this Act, the sum of two dollars (\$2).

31 *Sixth*—SEARCH WARRANT PROCEEDING.] For all services to be rendered by
 32 said justice in a search warrant proceeding, other than services for which
 33 special provision is made by this Act, the sum of one dollar (\$1).

34 *Seventh*—TRIAL OF CONTESTED CASES.] For the trial of each contested ac-
 35 tion, other than a criminal action, the sum of two dollars (\$2) for each day
 36 or fraction of a day occupied in the trial thereof.

37 *Eighth*—ISSUING EXECUTION.] For issuing each execution, twenty-five (25)
 38 cents.

39 *Ninth*—ENTERING SATISFACTION.] For entering satisfaction of judgment, ten
 40 (10) cents.

41 *Tenth*—ESTRAYS.] For administering oaths and trial, making all entries in
 42 case of estrays, and making and transmitting a certificate thereof to the county
 43 clerk, one dollar and fifty cents (\$1.50).

44 *Eleventh*—AUTHENTICATED RECORD FOR APPEAL.] For making and transmit-
 45 ting to the clerk of the proper court the authenticated record in an action for
 46 the purpose of an appeal or writ of certiorari, two dollars (\$2).

47 *Twelfth*—TRANSCRIPT TO OBTAIN LIEN.] For a transcript of a judgment to
 48 obtain a lien on real estate, one dollar (\$1).

49 *Thirteenth*—DEPOSITIONS.] For taking depositions without a stenographer
 50 or typewriter, for each one hundred (100) words fifteen (15) cents, or with a
 51 stenographer or typewriter, the same fees allowed to clerks of courts and mas-
 52 ters in chancery for similar services.

53 *Fourteenth*—CERTIFYING JUDGMENT IN CRIMINAL OR WARRANT ACTION.] For
 54 making and delivering to the proper officer a certified copy of the entries in
 55 his docket in a criminal action, or action brought to recover a fine or penalty
 56 for the violation of a municipal ordinance, when such copy is delivered for the
 57 purpose of having the judgment carried into execution, one dollar (\$1).

58 *Fifteenth*—ACKNOWLEDGMENT OF DEED.] For taking and certifying an ac-
 59 knowledge of a deed, mortgage, power of attorney or other writing other
 60 than a chattel mortgage, twenty-five (25) cents.

61 *Sixteenth*—ACKNOWLEDGMENT OF CHATTEL MORTGAGE.] For taking and cer-
 62 tifying an acknowledgment of a chattel mortgage, thirty-five (35) cents, and
 63 fifteen (15) cents for each folio over one hundred (100) words for docketing the
 64 same.

65 *Seventeenth*—AFFIDAVIT PREPARED BY JUSTICE.] For preparing an affidavit
 66 and administering the oath to the same, when the same is not for use in any ac-
 67 tion or proceeding pending or about to be brought before the justice, fifty (50)
 68 cents.

69 *Eighteenth*—AFFIDAVIT NOT PREPARED BY JUSTICE.] For administering the
 70 oath to an affidavit when not drawn by the justice and when not to be used in
 71 any action or proceeding pending or about to be brought before the justice, ten
 72 (10) cents.

73 *Nineteenth*—CERTIFICATE.] For each certificate required to be made, when
 74 not part of any other act, thirty-five (35) cents.

75 *Twentieth*—AWARD.] For entering the award of referees, one dollar (\$1).

76 *Twenty-first*—MARRIAGE CEREMONY.] For each marriage ceremony per-
 77 formed and certificate thereof, three dollars (\$3).

78 *Twenty-second*—JURY TRIAL.] For a trial by jury, in addition to the other
 79 fees in this section provided for, the sum of two dollars (\$2).

Sec. 2019. FEES OF CONSTABLES.] The fees of constables shall be as fol-
 2 lows:

3 *First*—ADVERTISING.] For advertising property for sale, seventy-five (75)
 4 cents.

5 *Second*—ATTENDING TRIAL, ETC.] For attending a trial before a justice of
 6 the peace and waiting on a jury, seventy-five (75) cents.

7 *Third*—ATTENDANCE IN CIRCUIT COURT.] For each day's attendance in the
 8 circuit court, to be paid out of the county treasury, two dollars and fifty cents
 9 (\$2.50).

10 *Fourth*—TAKING, ETC., BOND.] For taking and approving each replevin
 11 bond, forthcoming bond or recognizance, fifty (50) cents.

12 *Fifth*—COMMISSIONS ON SALES.] For making sales, a commission of ten (10)
 13 per cent on the first ten dollars (\$10) realized and five (5) per cent on the ex-
 14 cess over ten dollars (\$10), and in a case where an execution is settled by the
 15 parties or paid, or when the property levied on shall not be sold by reason of
 16 such settlement or payment, a commission of five (5) per cent on the first ten
 17 dollars (\$10) and two and one-half ($2\frac{1}{2}$) per cent on the excess.

18 *Sixth*—REMOVING, ETC., PROPERTY.] For removing and taking care of prop-
 19 erty levied on by them, a reasonable charge shall be fixed by the justice of the
 20 peace, which shall in no case exceed the actual expense incurred.

21 *Seventh*—MILEAGE—SERVING WRIT.] For mileage when serving a warrant,
 22 summons, subpoena or other process, five (5) cents per mile each way for ac-
 23 tual distance traveled in making such service, the distance to be computed
 24 from the office of the justice to the residence of each person served.

25 *Eighth*—MILEAGE TAKING PERSON TO JAIL.] For mileage in taking a person
 26 to jail from the office of the justice, ten (10) cents per mile and all actual and
 27 necessary expenses incurred, the same to be paid out of the county treasury.

28 *Ninth*—FOR SERVING SUMMONS OR WARRANT.] For serving and returning a
 29 summons, fifty (50) cents, and for serving a warrant, seventy-five (75) cents
 30 for each person served.

31 *Tenth*—SERVING, ETC., WRIT.] For serving and returning a writ of replevin
 32 or attachment, for each person served, seventy-five (75) cents.

33 *Eleventh*—SERVING SUBPOENA.] For serving a subpoena, for each person
 34 served, twenty-five (25) cents.

35. *Twelfth*—SERVING VENIRE.] For serving a venire, one dollar (\$1).
- 36 *Thirteenth*—SERVING WRIT OF RESTITUTION.] For serving a writ of restitu-
- 37 tion in an action of forcible entry and detainer, one dollar (\$1).
- 38 *Fourteenth*—SERVING, ETC., EXECUTION.] For serving and returning each
- 39 execution, seventy-five (75) cents.
- 40 *Fifteenth*—EXECUTING CRIMINAL JUDGMENT.] For conveying a person to jail
- 41 in pursuance of a judgment in a criminal action seventy-five (75) cents.
- 42 *Sixteenth*—SERVING APPRAISER'S WARRANT.] For serving a warrant of ap-
- 43 praisal in case of estrays, seventy-five (75) cents.

Sec. 2020. COLLECTION OF FEES OF JUSTICES AND CONSTABLES IN CRIMINAL AND

2 WARRANT ACTIONS.] No justice of the peace or constable shall collect any

3 fees or costs in advance of any defendant in a criminal action, or quasi-criminal

4 action for the recovery of a fine or penalty for the violation of a municipal ordi-

5 nance; peace proceeding, examination proceeding, or search warrant proceeding,

6 and in case judgment be rendered in favor of the defendant in any such proceed-

7 ing he shall not be liable to the justice or to any constable for any fees earned

8 by the justice or constable in such action or proceeding, but in case judgment

9 be rendered in any such action or proceeding against the defendant the same

10 shall include the fees of the justice and constable or constables and the same

11 shall be collected from the defendant as in other cases. In all cases other than

12 a quasi-criminal action for the violation of a municipal ordinance, in which

13 judgment is rendered in favor of the defendant, and in all cases (other than

14 such quasi-criminal actions) in which judgment is rendered against the defend-

15 ant and the costs are not collected from the defendant, the fees of the justice

16 and constable shall, upon the joint certificate of the county judge and State's

17 attorney of the county in which the justice resides, that the same are just and

18 properly taxed, be payable out of the county treasury. In all quasi-criminal

19 cases for violations of municipal ordinances in which judgment is rendered in

20 favor of the defendant, and in all such cases in which the costs are not col-
 21 lected from the defendant, the fees of the justice and constable shall be paid
 22 by the municipal corporation in whose name the action is brought.

Sec. 2021. FEES OF JUSTICES AND CONSTABLES PAYABLE IN ADVANCE.] The
 2 fees of justices of the peace and constables for all services other than those
 3 specified in the preceding section shall be payable in advance, so far as the
 4 same can be ascertained or estimated prior to the rendition of the services:
 5 *Provided, however,* that no such fees shall be payable by the People of the
 6 State of Illinois, or by any municipal corporation, or by any state, county or
 7 other municipal officer suing or defending in his official capacity. It shall be the
 8 duty of every justice of the peace and constable to collect in advance all his
 9 fees for services other than those provided for in the preceding section, and any
 10 justice of the peace or constable who shall fail so to do, or who shall, either
 11 directly or indirectly, allow or pay to any person any rebate, commission or
 12 allowance upon any fee provided for by this Act, shall be deemed guilty of a
 13 misdemeanor and upon conviction thereof shall be punished by a fine not ex-
 14 ceeding five hundred dollars (\$500) or by imprisonment in the county jail not
 15 exceeding one year, or both: *Provided, however,* that no justice of the peace or
 16 constable shall collect fees in advance from any person in any action in which
 17 such person shall file an affidavit that he is a poor person whose financial cir-
 18 cumstances are such as to make the payment of costs unduly burdensome and
 19 oppressive, and *provided further,* that costs need not be collected in advance
 20 when the same can not be ascertained or estimated prior to the rendition of the
 21 services, but in such case they shall be collected as soon as ascertained.

Sec. 2022. SECURITY FOR COSTS—FORM.] In every action in any court of
 2 record, when the plaintiff or person for whose use the action is to be com-
 3 menced shall not be a resident of this State, the plaintiff or person for whose
 4 use the action is to be commenced shall, before he institutes such action, file

5 or cause to be filed with the clerk of the court in which the action is to be
6 commenced security for costs substantially in the following form:

7 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

8 John Doe
9 v. } Contract. No. 17.
10 Richard Roe.

11 SECURITY FOR COSTS.

12 I, William Doe, do hereby enter myself as security for all costs which
13 may accrue in the above entitled action.

14 Dated January 10, 1908.

15 WILLIAM DOE.

 Sec. 2023. SIGNING AND EFFECT OF SECURITY.] Such instrument shall be
2 signed by some responsible person being a resident of this State, to be ap-
3 proved by the clerk, and shall bind such person to pay all costs which may ac-
4 crue in such action, either to the opposite party or to any of the officers of
5 the court in which the action is commenced, or to which it is removed by a
6 change of venue, or appeal or writ of error.

 Sec. 2024. FAILURE TO FILE SECURITY—RIGHT TO SECURITY NOT WAIVED.] If
2 any such action shall be commenced without filing such instrument in writing,
3 the court, on motion, shall dismiss the same and the attorney of the plaintiff
4 shall pay all the costs accruing thereon, unless the security for costs shall be
5 filed within such time as shall be allowed by the court, and when so filed it
6 shall relate back to the commencement of the action. The right to require se-
7 curity for costs in any such case shall not be deemed waived by any proceed-
8 ing in the action.

 Sec. 2025. CASH DEPOSIT IN LIEU OF CERTIFICATE—FORM OF CERTIFICATE.] In
2 lieu of the filing of security for costs, as provided for in the preceding three
3 sections, the party required to give security may deposit with the clerk of the

4 court the sum of twenty-five dollars (\$25) as such security and may thereafter
 5 make such further deposits of cash as such security, from time to time, as the
 6 court may deem reasonable, and, in case judgment is rendered against the
 7 plaintiff or person for whose use the action is commenced, such deposit or
 8 deposits shall be applied, under the direction of the court, towards the payment
 9 of the costs recovered by the defendant, and such other costs as the plaintiff,
 10 or person for whose use the action is commenced, may be required to pay.
 11 Upon the deposit of any sum as cash security, the clerk shall issue to the per-
 12 son making the same a certificate of deposit in substantially the following
 13 form:

14 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS.

15 John Doe }
 16 v. } Contract. No. 17.
 17 Richard Roe. }

18 CERTIFICATE OF DEPOSIT.

19 This is to certify that the undersigned, clerk of the circuit court of Cook
 20 county, Illinois, has this day received from John Doe, the plaintiff in the above
 21 entitled action, twenty-five dollars (\$25) as security for costs.

22 Dated January 10, 1908.

23 JOHN SMITH, *Clerk.*

 Sec. 2026. PARTY BECOMING NON-RESIDENT.] If, at any time after the com-
 2 mencement of any action by a resident of this State, he shall become a non-resi-
 3 dent, it shall be the duty of the court, on motion of the defendant or any officer
 4 of the court, to rule the plaintiff, on or before the day in such rule named, to
 5 give security for the payment of costs in such action. If such plaintiff shall ne-
 6 glect or refuse, on or before the day in such rule named, to file an instrument
 7 in writing of some responsible person, being a resident of this State, whereby
 8 he shall bind himself to pay all costs which have accrued or may accrue in

9 such action, or to make a cash deposit in lieu thereof, the court shall, on motion,
10 dismiss the action.

Sec. 2027. SUCCESSFUL PARTY TO RECOVER COSTS—EXCEPTIONS.] In every ac-
2 tion at law or special proceeding in any court of record the party finally success-
3 ful therein shall recover all his costs of the action from the unsuccessful party,
4 with the following exceptions:

5 *First*—COSTS ORDERED PAID DURING PENDENCY OF ACTION.] The court may, in
6 its discretion, during the pendency of an action, order the payment of costs by
7 one party to the other party or to an officer of the court, or may otherwise im-
8 pose the payment of such costs, as hereinbefore provided, and the costs paid in
9 pursuance of such order shall not be recovered by the party paying the same.

10 *Second*—COSTS OF APPEAL OR WRIT OF ERROR TO ABIDE EVENT WHEN.] When,
11 upon the prosecution of any appeal or writ of error, any order, judgment or de-
12 cree is reversed, in whole or in part, or modified, and the cause is remanded
13 for a further hearing, the costs incurred by the party prosecuting such appeal
14 or writ of error shall abide the final event of the action and shall only be re-
15 covered by the party prosecuting such appeal or writ of error in case the final
16 judgment or decree rendered in the action shall be in his favor, and then only to
17 such extent as the court in which the action is pending may deem equitable
18 and just.

19 *Third*—ACTIONS IN NAME OF PEOPLE, MUNICIPAL CORPORATIONS, ETC.] In any
20 action or proceeding commenced for and on behalf of the people of this State,
21 or the Governor thereof, or for or on behalf of any county or other municipal
22 corporation of this State, or in the name of any person for the use of
23 the people of this State or of any county or municipal corporation, no costs shall
24 be recovered by the opposite party. In case the plaintiff shall be finally suc-
25 cessful in any such action, there shall be taxed against the defendant and col-
26 lected as a part of the judgment or decree all the costs of the action which

27 would be payable to the officers of the court, if such action were one between
 28 individuals suing or defending in their individual capacities, and the costs so
 29 collected shall be paid to the proper officers, but in case the defendant shall be
 30 finally successful in such action no costs of any kind shall be taxed or paid, and
 31 the defendant shall be repaid by all the officers of the court all costs paid by him
 32 to such officers.

33 *Fourth*—ACTIONS AGAINST MUNICIPAL CORPORATIONS.] In any action or pro-
 34 ceeding brought by any person or corporation against any county or other
 35 municipal corporation, the plaintiff, if finally successful, shall not recover any
 36 judgment for costs against the defendant, but all costs paid by the plaintiff
 37 to the officers of the court in such action shall be refunded to the plaintiff by
 38 order of the court in which the action is determined. In case the defendant
 39 shall be finally successful there shall be taxed against the plaintiff and
 40 collected as a part of the judgment all the costs of the action which would
 41 have been payable by the defendant to the officers of the court, if the defendant
 42 were an individual defending in his individual capacity, and the costs so col-
 43 lected shall be paid to the proper officers.

44 *Fifth*—ACTIONS IN EQUITY.] In actions in equity it shall be in the discre-
 45 tion of the court to award costs or not, and the court in any such action may
 46 apportion the costs thereof among the parties thereto in such manner as may
 47 seem equitable and just.

48 *Sixth*—APPEALS, ETC., FROM JUSTICES OF THE PEACE.] In every case of ap-
 49 peal from or certiorari to a justice of the peace in which the judgment of the
 50 justice of the peace shall be affirmed in part only, the court may divide the
 51 costs between the parties according to the justice of the case.

52 *Seventh*—COSTS WHEN JURY DEMANDED AND ACTION NOT TRIED BY JURY.] When
 53 either party to an action shall have filed a demand in writing of a trial by jury
 54 and shall have paid the costs therefor, and such action shall be disposed of with-

55 out a trial by jury, the party having paid such costs shall not recover the same
56 from the opposite party.

57 *Eighth—POOR PERSONS.]* When the party against whom a final judgment
58 or decree may be rendered is a poor person whose financial circumstances,
59 as made to appear to the court, are such that the payment of costs would be
60 unduly burdensome or oppressive, and it shall appear to the satisfaction of the
61 court that the action was commenced and prosecuted, or defended, as the case
62 may be, by such person in good faith, no judgment for costs shall be rendered
63 against such poor person.

Sec. 2028. PARTY TO FILE BILL OF COSTS—VERIFICATION—NOTICE—FORM OF
2 BILL OF COSTS.] Within ten days after the entry of any final order, judgment
3 or decree awarding costs, and before the issuance of any execution thereon,
4 the party to whom costs are awarded by such final order, judgment or decree
5 shall file with the clerk of the court a bill of his costs in the action. Such bill
6 shall specify the court in which the action is pending, and the title, classification
7 and number of the action, and shall thereafter set forth each item of costs to
8 which such party may claim to be entitled, whether the same was paid or
9 accrued in a court of original jurisdiction or in a court of appellate jurisdiction.
10 Such bill shall be verified by the affidavit of such party or his attorney and a
11 copy thereof shall be served upon the party against whom the costs are
12 claimed, if such party shall have entered his appearance in the action, and proof
13 of such service shall be filed with the bill. In case neither the party to be
14 served, nor his attorney, or one of his attorneys, resides in the city in which

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20	John Doe	}
21	v.	
22	Richard Roe.	

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25	Feb. 2.	Clerk's fees at commencement of action.....	\$ 8.00
26	Feb. 2.	Preparing praecipe50
27	Feb. 2.	Preparing affidavit	1.00
28	Feb. 2.	Preparing bond	1.00
29	Feb. 6.	Preparing and serving copy of praecipe.....	.25
30	Feb. 6.	Preparing and serving copy of affidavit.....	.25
31	Feb. 6.	Preparing and serving copy of bond.....	.25
32	Feb. 6.	Sheriff's fees for serving and executing writ.....	2.00
33	Feb. 15.	Clerk's fees for execution.....	1.00

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Sec. 2029. (CLERK TO TAX COSTS ACCORDING TO BILL—EXCEPTION.) The clerk
2 of the court shall tax the costs as set forth in such bill of costs unless, from
3 an inspection thereof, it shall appear to the clerk that the items therein are
4 in excess of the amounts provided by law, or unless the clerk shall have rea-
5 son to believe that any item or items therein are fictitious, in which case the
6 clerk shall notify such party of his refusal to tax such bill of costs.

Sec. 2030. APPLICATION TO COURT.] Whenever the clerk of the court shall
2 refuse to tax a bill of costs filed as aforesaid, or any item therein, the party
3 having filed such bill may, upon notice to the opposite party, apply to the
4 court for an order that the same may be taxed, and the court, upon a hearing
5 of such application, shall make such order as justice may require.

Sec. 2031. RETAXING COSTS.] Any party against whom any bill of costs is
2 taxed as aforesaid may, upon notice to the opposite party, move the court to
3 retax such costs and, upon the hearing of such motion, the court may make such
4 order as justice may require.

Sec. 2032. AMOUNT OF COSTS NOT TO BE SPECIFIED IN JUDGMENT, ETC.] It
2 shall be unnecessary in any order, judgment or decree to specify the amount
3 of the costs which may be awarded against the party against whom an order,
4 judgment or decree is rendered, but it shall be sufficient that the costs be taxed
5 as aforesaid and upon the issuance of execution the amount thereof shall be
6 inserted in the execution. In every such case, as well as upon supplementary
7 or other proceedings to enforce the order, judgment or decree, the taxation of
8 the costs by the clerk shall be deemed and taken as a part of such order, judg-
9 ment or decree.

Sec. 2033. OBJECTION TO BILL OF COSTS—WHEN TO BE MADE.] A party
2 against whom costs are taxed shall, if he or his attorney shall have received
3 a copy of the bill of costs as hereinbefore provided, be bound to object there-

4 to within five days thereafter or, in default of such objection, shall be bound by
5 such taxation of costs, unless the same shall appear upon its face to be incorrect,
6 in which case it may be corrected at any time on motion of any party to the
7 action or by the court of its own motion.

Sec. 2034. COSTS NOT RECOVERABLE BY OPPOSITE PARTY—HOW COLLECTED.]

2 Costs to be paid by either party to any officer of the court or to the steno-
3 graphic and typewriting department, and not recoverable by the opposite
4 party, shall be taxed by the clerk and the clerk shall issue a fee bill and exe-
5 cution therefor, or the payment of the same may be enforced by attachment, or
6 by a supplementary proceeding in the name of the county in which the action
7 is determined, which supplementary proceeding may be prosecuted regardless
8 of the amount of such costs. When in any such supplementary proceeding, it
9 shall appear that the payment of such costs was wilfully refused by the party
10 whose duty it was to pay the same, the court may, in its discretion, require such
11 party to pay double the amount of such costs.

Sec. 2035. BUREAU OF JUSTICE.] It shall be the duty of the judges of the
2 circuit court of each county, and of the judges of the superior court of Cook
3 county, whenever the business of such court is sufficient to occupy the entire
4 time of two or more judges during each year, to cause to be organized and
5 conducted under the supervision of the judges a bureau or department of such
6 court to be known as a bureau of justice, the purpose of which shall be, first,
7 to investigate claims of poor persons whose financial circumstances are such
8 that the payment of the costs and expenses of prosecuting actions would be
9 to them unduly burdensome and oppressive and who may be unable to secure
10 the services of competent lawyers; *second*, to assist in the prosecution of all
11 such claims as, upon investigation, may seem to be meritorious and which can-
12 not be fairly adjusted by negotiation; *third*, to investigate cases of poor per-

sons who may be charged with criminal or quasi criminal offenses and to secure to such persons fair and impartial trials; and *fourth*, generally to aid in securing justice in all the courts of said county for all persons who, because of their financial circumstances or otherwise, are unable to properly protect themselves: *Provided, however*, that in Cook county the judges of the circuit and superior courts may, in their discretion, organize a joint bureau of justice for said courts. The cost of conducting and maintaining such bureau of justice, including the compensation, to be fixed by the judges, of the persons employed by them for that purpose, shall be paid out of the county treasury of the county in which the same is organized on the certificate of any one or more of the judges of the court or courts for which the same is organized.

Sec. 2036. POOR PERSONS.] In any action or proceeding in any court of record of original jurisdiction the court may, in its discretion, order that an advance payment of costs may be waived in favor of any poor person whose financial circumstances, as made to appear to the court, are such that such advance payment would be unduly burdensome and oppressive.

DIVISION LXXIII.

MISCELLANEOUS PROVISIONS.

SECTION

- 2037. Partial invalidity not to affect entire Act.
- 2038. Venue of affidavits and papers.
- 2039. Specification of year by number sufficient without abbreviations "A. D.," or words "In the year of Our Lord."

SECTION

- 2040. Effect of bonds taken in judicial proceedings.
- 2041. Negligence, etc., of attorneys not to prejudice client.
- 2042. Rules of practice to be so construed as to not produce injustice.
- 2043. Want of seal not to vitiate.

Sec. 2037. PARTIAL INVALIDITY NOT TO AFFECT ENTIRE ACT.] The invalidity of any portion of this Act shall not affect the validity of any other portion thereof which can be given effect without such invalid part, the intention

4 hereof being that the courts of this State shall presume conclusively that it
 5 is the intention of the General Assembly that all of the provisions of this
 6 Act which are not, in and of themselves, invalid shall be given effect, notwith-
 7 standing the courts, but for the provisions of this section, might presume it to
 8 be the intention of the General Assembly that the valid portions of this Act
 9 should not be given effect unless the portions thereof which are invalid could
 10 also be given effect.

Sec. 2038. VENUE OF AFFIDAVITS AND PAPERS.] It shall not be hereafter nec-
 2 essary that any paper to be filed in any action or proceeding in any court
 3 of this State shall specify, in the manner heretofore customary, the county and
 4 State in which such court is held or action or proceeding had, but it shall be
 5 sufficient that such paper, by words at the commencement thereof or other-
 6 wise, shall indicate the court in which the action or proceeding is pending.
 7 When any affidavit is filed in any action or proceeding in a court of original
 8 jurisdiction, it shall be presumed that such affidavit was signed and sworn to
 9 within the county in which such court is held, unless the contrary shall affirma-
 10 tively appear from the jurat of the officer before whom such affidavit is sub-
 11 scribed and sworn to. When any affidavit to be used in any action or proceed-
 12 ing in any court of this State is subscribed and sworn to out of the county in
 13 which such court is held, the officer before whom such affidavit is subscribed and
 14 sworn to shall recite in his certificate the county and state in which such affida-
 15 vit is so subscribed and sworn to.

Sec. 2039. SPECIFICATION OF YEAR BY NUMBER SUFFICIENT WITHOUT THE
 2 ABBREVIATIONS "A. D.," OR WORDS, "IN THE YEAR OF OUR LORD.]" It shall not
 3 be necessary hereafter in any paper filed in any action or proceeding pending
 4 in any court of this State to use the words, "In the year of Our Lord," or
 5 the abbreviations "A. D.," for the purpose of showing that an act, trans-
 6 action or event occurred or took place in a year of our Lord, but without the

7 use of those words or abbreviations, words or figures manifestly intended to
8 express the year of an act, transaction or event shall be conclusively presumed
9 as intended to mean that such act, occurrence or event happened in the speci-
10 fied year of Our Lord.

Sec. 2040. EFFECT OF BONDS TAKEN IN JUDICIAL PROCEEDINGS.] Every per-
2 son executing any bond to be filed, or otherwise used, in any action or pro-
3 ceeding in any court of this State, shall be conclusively presumed to have in-
4 tended to execute a bond in such penalty and with such condition as was re-
5 quired by law, or by the order of the court entered in such action or proceed-
6 ing, and in case of the variance of any such bond, either as to penalty, con-
7 dition or otherwise, from the bond thus required, the same may be corrected
8 and enforced in any action or proceeding brought thereon, as if the same
9 has been correctly executed in the first instance.

Sec. 2041. NEGLIGENCE, ETC., OF ATTORNEY NOT TO PREJUDICE CLIENT.] Every
2 court of this State shall hereafter protect every party to an action, who may
3 appear to have acted in good faith and to have been himself free from negli-
4 gence, against the negligence, misconduct or ignorance of any attorney
5 employed by him in the conducting of such action, so far as such protection
6 can be afforded by the court without serious and manifest injustice to the
7 other party or parties to the action. In case of any such negligence, miscon-
8 duct or ignorance of any attorney at law by which delay or injury may occur
9 to any party to the action, the court may make such order respecting the pay-
10 ment of costs or other compensation to be made by such attorney as the facts
11 may warrant and compliance with any such order of the court may be enforced
12 by execution, attachment or other appropriate proceeding, and in every crim-
13 inal case it shall be the duty of both the court of original jurisdiction and of the
14 supreme court to set aside a judgment of conviction whenever the court shall be

15 satisfied the defendant has not received a fair and impartial trial because of the
16 negligence, misconduct or ignorance of the defendant's attorney.

Sec. 2042. RULES OF PRACTICE TO BE SO CONSTRUED AS NOT TO PRODUCE INJUS-
2 TICE.] The purpose of this Act is to provide methods of procedure by which,
3 in every action and proceeding, the substantive rights of the parties thereto
4 may be ascertained and enforced by a decision rendered according to the
5 very right and justice of the case and each and every provision of this
6 Act shall be liberally construed to accomplish such purpose.

Sec. 2043. WANT OF SEAL NOT TO VITIATE.] No instrument specified in this
2 act as being one requiring the signature and seal of the party executing the same
3 shall be rendered invalid because of the want of such seal, but the same, when
4 signed by such party, shall have the same force and effect as if both signed and
5 sealed. Nor shall any summons or other writ or document to which, by the terms
6 of this act or of any other provision of law, the officer issuing the same is re-
7 quired to affix his official seal, be rendered void by reason of the failure of such
8 officer to affix his official seal thereto, but such officer may, by leave of the court
9 out of which such summons or other writ or document has been issued, or by
10 leave of the court in which the validity of such summons or other writ or docu-
11 ment is called in question, affix his official seal thereto, or the same may, by like
12 leave of court, be affixed thereto by the successor in office of such officer.

DIVISION LXXIV.

RULES OF COURT.

SECTION.

2044. General power of courts of record to adopt rules—how rules adopted.

2045. Rules to be printed—when to take effect.

2046. To whom copies of rules to be mailed—hearing of objections.

SECTION.

2047. Special powers of supreme court to make rules.

2048. Method of adopting and effect of rules provided for in precedeing section.

2049. Judicial notice of rules of court.

Sec. 2044. GENERAL POWER OF COURTS OF RECORD TO ADOPT RULES—HOW RULES
 2 ADOPTED.] Each court of record shall have power to adopt all such rules and
 3 regulations as such court is expressly authorized by this act to adopt, and all
 4 such other rules and regulations not inconsistent with the provisions of this act,
 5 as such court may deem necessary for the proper administration of justice
 6 therein, and such court may also, by rule, change the time fixed by this act for
 7 the entry of any appearance, the filing of any paper or the performance by any
 8 party of any act required by the provisions of this act to be performed by such
 9 party. Such rules and regulations may be adopted by an order signed by the
 10 judge, or, in case the court is composed of several judges, by a majority of the
 11 judges, of the court adopting them, which order shall be spread upon the records
 12 of such court.

Sec. 2045. RULES TO BE PRINTED—WHEN TO TAKE EFFECT.] All rules and reg-
 2 ulations adopted in pursuance of the provisions of this act shall be printed
 3 and shall take effect at such time as may be fixed therefor in the order adopting
 4 the same, which time shall be not less than sixty days after the printing thereof:
 5 *Provided, however,* that any such rule or regulation may be ordered to take
 6 effect immediately whenever, in the opinion of the judge or judges adopting the
 7 same, delay in giving the same effect would result in serious injustice or incon-
 8 venience.

Sec. 2046. TO WHOM COPIES OF RULES TO BE MAILED—HEARING OF OBJECTIONS.]

2 When any rule or regulation is adopted by a circuit court, county court, probate
 3 court or city court, a printed copy thereof shall be mailed immediately by the
 4 clerk of such court to the president and each trustee of the attorney's association
 5 of the circuit in which such court is situated; when any rule or regulation is
 6 adopted by an appellate court a printed copy thereof shall be mailed immedi-
 7 ately by the clerk of such court to the president and each trustee of each attor-
 8 ney's association whose circuit is embraced, in whole or in part, within the dis-
 9 trict of such appellate court; and when any such rule is adopted by the supreme
 10 court a printed copy thereof shall be mailed immediately by the clerk of such
 11 court to the president and each trustee of the attorneys' association of each
 12 circuit in this State: *Provided, however,* that the mailing of such copies shall
 13 be unnecessary until such time as attorneys' associations shall be organized in
 14 accordance with the provisions of this act. Any attorney at law of this State,
 15 upon the adoption of any such rule, shall have the right to present to the court
 16 adopting the same such suggestions in relation thereto as such attorney at law
 17 may deem proper and the court shall consider all suggestions so made, and, if,
 18 after consideration of such suggestions, such rules should, in the opinion of the
 19 court, be rescinded or modified, the court shall rescind or modify the same ac-
 20 cordingly.

Sec. 2047. SPECIAL POWERS OF SUPREME COURT TO MAKE RULES.] In addition

2 to its powers to adopt rules and regulations in accordance with the three preced-
 3 ing sections the supreme court shall have the following powers:

4 *First*—RULES EXPRESSLY AUTHORIZED.] To adopt, from time to time, all such
 5 rules and regulations as are expressly authorized by this Act to be adopted by
 6 the supreme court in relation to the practice in courts inferior thereto.

7 *Second*—RULES NOT EXPRESSLY AUTHORIZED.] To adopt, from time to time,
 8 rules making such changes in and modifications of the methods of procedure

9 prescribed by this Act as may appear to the court to be necessary to prevent
 10 serious inconvenience or injustice from the operation thereof or to promote
 11 a more speedy and satisfactory administration of justice in the courts of this
 12 State.

13 *Third*—RULES IN PLACE OF INVALID PROVISIONS.] To adopt, from time to
 14 time, such rules and regulations as may be found necessary or convenient to
 15 take the place of any provisions of this Act which the court may find to be
 16 invalid.

Sec. 2048. METHOD OF ADOPTING AND EFFECT OF RULES PROVIDED FOR IN PRECED-
 2 ING SECTION.] Rules provided for in the preceding section shall be adopted in
 3 the same manner and under the same restrictions as are hereinbefore specified
 4 with respect to other rules of court, but rules making changes in and modifica-
 5 tions of methods of procedure prescribed by this Act shall not be adopted at any
 6 time when the General Assembly is in session, and shall not remain in force
 7 after the 30th day of June succeeding the regular session of the next General
 8 Assembly, unless the same shall be approved by a joint resolution of the General
 9 Assembly passed by an affirmative vote of a majority of the members of each
 10 house thereof.

Sec. 2049. JUDICIAL NOTICE OF RULES OF COURT.] All courts of this State
 2 shall take judicial notice of the rules and regulations of the various courts of
 3 record adopted in pursuance of law.

DIVISION LXXV.

REPEALS.

SECTION

2050. Inconsistent acts repealed.

SECTION

2051. Effect of repeal as to pending actions.

Sec. 2050. ACTS REPEALED.] The following Acts and parts of Acts are
 2 hereby repealed:

3 An Act to revise the law in relation to abatement, approved March 2, 1874.

4 An Act in regard to the action of account, approved March 30, 1874.

5 An Act in regard to the administration of estates, approved April 1, 1872,
6 and all subsequent Acts amendatory thereof.

7 An Act to provide for the disposal of unclaimed moneys in the hands of
8 administrators and executors, approved May 12, 1877.

9 An Act concerning compensation of trustees, approved June 17, 1891.

10 An Act empowering county and probate judges to authorize executors and
11 administrators in certain cases to pay taxes on real estate, approved June 18,
12 1891.

13 An Act to revise the law in relation to amendments and jeofails, approved
14 February 25, 1874.

15 An Act concerning voluntary assignments and conferring jurisdiction there-
16 in upon county courts, approved May 22, 1877, and all subsequent Acts amenda-
17 tory thereof.

18 An Act in regard to attachments in courts of record, approved December
19 23, 1871, and all subsequent Acts amendatory thereof.

20 An Act to permit the sale of live stock levied upon in attachment suits, ap-
21 proved May 22, 1895.

22 An Act to revise the law in relation to attorneys and counsellors, approved
23 March 28, 1874, and all subsequent Acts amendatory thereof.

24 An Act concerning bastardy, approved April 3, 1872, and all subsequent
25 Acts amendatory thereof.

26 An Act to regulate the practice in courts of chancery, approved March 15,
27 1872.

28 An Act to provide for appeals from interlocutory orders granting injunc-
29 tions or appointing receivers, approved June 14, 1887.

30 An Act concerning the appointment and discharge of receivers, approved
31 May 15, 1903.

32 Sections four (4) to twenty-seven (27), both inclusive, of an Act to revise
 33 the law in relation to clerks of courts, approved March 25, 1874, and all sub-
 34 sequent Acts amendatory of said sections so repealed.

35 An Act in relation to the issuing of fee bills, approved February 24, 1859,
 36 and all subsequent Acts amendatory thereof.

37 An Act to authorize the clerks of the supreme and appellate courts to en-
 38 ter motions in said courts in behalf of attorneys, approved June 18, 1883.

39 An Act to revise the law in relation to costs, approved February 11, 1874.

40 Sections four (4), five (5), nine (9), ten (10), twelve (12), fourteen (14),
 41 fifteen (15) and sixteen (16) of an Act to revise the law in relation to the su-
 42 preme court, approved March 23, 1874, and all subsequent Acts amendatory
 43 of said sections so repealed.

44 Sections four (4) and five (5) of an Act to diminish the number of judicial
 45 divisions of the supreme court, to change the time and places of holding said
 46 court and to regulate the practice in said court, approved April 2, 1897.

47 Sections four (4), eight (8), ten (10), eleven (11), twelve (12), fourteen
 48 (14), fifteen (15), sixteen (16) and seventeen (17) of an Act to establish appel-
 49 late courts, approved June 2, 1877, and all subsequent Acts amendatory of said
 50 sections so repealed.

51 Sections nine (9) to twenty (20), both inclusive, sections twenty-four (24),
 52 twenty-five (25) and twenty-seven (27) to thirty-three (33), both inclusive, of
 53 an Act to revise the law in relation to circuit courts and the superior court of
 54 Cook County, approved February 16, 1874, and all Acts amendatory of the sec-
 55 tions so repealed.

56 Sections two (2) and three (3) of an Act to provide for the holding of a
 57 branch circuit court in each county in this State at the same time the regular
 58 term of the circuit court is being held in and for such county, and to provide
 59 for the proceedings to be had in such courts, approved May 16, 1905.

60 An Act to avoid inconveniences arising from changing the times of holding
61 the terms of court, approved April 12, 1871.

62 An Act to authorize the judges of the circuit courts to appoint shorthand
63 reporters for the taking and preservation of evidence and to provide for their
64 compensation, approved May 31, 1887, and all subsequent Acts amendatory
65 thereof.

66 Sections five (5), six (6), seven (7), one hundred nine and a half (109½)
67 one hundred eleven (111), one hundred twelve (112), one hundred thirteen (113),
68 and one hundred seventeen (117) to one hundred twenty-three (123), both in-
69 clusive, of an Act to extend the jurisdiction of county courts and to provide for
70 the practice thereof, to fix the time for holding the same and to repeal an Act
71 therein named, approved March 26, 1874, and all subsequent Acts amendatory
72 of the sections so repealed.

73 An Act to authorize the judges of county courts to appoint shorthand re-
74 porters for the taking and preservation of evidence and to provide for their
75 compensation in counties having a population not more than two hundred
76 thousand, approved May 14, 1903.

77 Sections eleven (11), twelve (12), fourteen (14), fifteen (15) and sixteen
78 (16) of an Act to establish probate courts in all counties having a population
79 of seventy thousand (70,000) or more, to define the jurisdiction thereof and reg-
80 ulate the practice therein and to fix the time for holding the same, approved
81 April 27, 1877, said title being the title as amended by the Act approved May
82 21, 1881, and all subsequent Acts amendatory of the sections so repealed.

83 Division III, Division IV, Division V, Division VI, Division VII, Division
84 VIII, Division IX, Division X, Division XI, Division XII, Division XIII, Divi-
85 sion XIV and Division XV of an Act to revise the law in relation to criminal
86 jurisprudence, approved April 27, 1874, and all subsequent Acts amendatory of
87 the parts of said Act so repealed.

88 An Act to revise the law in relation to divorce, approved March 10, 1874,
89 and all subsequent Acts amendatory thereof.

90 An Act to punish the offense of advertising for divorces, approved April
91 12, 1877.

92 Sections eighteen (18) to forty-six (46), both inclusive, of an Act to revise
93 the law in relation to dower, approved March 4, 1874, and all subsequent Acts
94 amendatory of the sections so repealed.

95 An Act in regard to the practice in actions of ejectment, approved March
96 20, 1872.

97 An Act to provide for the exercise of the right of eminent domain, ap-
98 proved April 10, 1872, and all subsequent Acts amendatory thereof.

99 An Act for the further protection of the State institutions, approved March
100 9, 1867.

101 An Act in regard to evidence and depositions in civil cases, approved
102 March 29, 1872, and all subsequent Acts amendatory thereof.

103 An Act in relation to the mode of proving title to the lands granted to the
104 Illinois Central Railroad Company, approved March 7, 1872.

105 An Act in regard to proof of deeds and other instruments in writing when
106 attested by subscribing witnesses, approved June 18, 1883.

107 An Act to amend an Act entitled "An Act to exempt the homestead
108 from forced sale, and to provide for setting off the same and to exempt certain
109 personal property from attachment and sale on execution and from distress for
110 rent." approved April 30, 1873, and all subsequent Acts amendatory thereof.

111 An Act to exempt certain personal property from attachment and sale on
112 execution and from distress for rent, approved May 24, 1877, and all subsequent
113 Acts amendatory thereof.

114 An Act to include in judgments for wages the services of the laborer's
115 horse or team, approved June 21, 1895.

116 Sections twelve (12) to twenty (20), both inclusive, thirty-two (32) to
117 thirty-five (35), both inclusive, forty (40) to forty-three (43), both inclusive,

118 and forty-five (45) to forty-nine (49), both inclusive, of an Act concerning fees
 119 and salaries and to classify the several counties of this State with reference
 120 thereto, approved March 29, 1872, title as amended by Act approved March
 121 28, 1874, and all subsequent Acts amendatory of the sections so repealed.

122 An Act to provide for fees of certain officers therein named in counties of
 123 the third class, approved March 2, 1874.

124 So much of an Act to provide for the fees of certain officers therein named
 125 in counties of the third class, to-wit: Sheriff, recorder and county clerk, ap-
 126 proved May 16, 1905, as pertains to the fees for sheriff.

127 An Act to provide for fees of clerks of probate courts in counties of the
 128 third class, approved May 29, 1879, and all subsequent Acts amendatory thereof.

129 An Act providing for the remission of fees of the clerks of county courts
 130 in certain cases in counties of the first and second classes, approved June 18,
 131 1891, and all subsequent Acts amendatory thereof.

132 An Act concerning fees and costs, approved June 15, 1887.

133 Sections five (5) to twenty (20), both inclusive, of an Act in regard to
 134 forcible entry and detainer, approved February 16, 1874, and all subsequent
 135 Acts amendatory of the sections so repealed.

136 An Act to revise the law in relation to frauds and perjuries, approved Feb-
 137 ruary 16, 1874.

138 An Act in regard to garnishment, approved March 9, 1872, and all subse-
 139 quent Acts amendatory thereof.

140 An Act to revise and enlarge the law in relation to garnishments in jus-
 141 tices courts, approved June 4, 1879.

142 An Act in regard to guardians and wards, approved April 10, 1872, and all
 143 subsequent Acts amendatory thereof.

144 An Act to provide for the disposal of unclaimed moneys in the hands of
 145 guardians, approved May 10, 1889.

146 An Act to provide for the appointment of a public guardian in each county
 147 in this State, approved June 3, 1889.

148 An Act to revise the law in relation to habeas corpus, approved March 2,
149 1874.

150 An Act to revise the law in relation to injunctions, approved March 25,
151 1874.

152 An Act concerning insolvent debtors, approved April 10, 1872, and all sub-
153 sequent Acts amendatory thereof.

154 An Act in regard to judgments and decrees and the manner of enforcing
155 the same by execution and to provide for the redemption of real estate sold
156 under execution or decree, approved March 22, 1872, and all subsequent Acts
157 amendatory thereof.

158 An Act to provide for the election and qualification of justices of the peace
159 and constables, and to provide for the jurisdiction and practice of justices of
160 the peace in civil cases and to fix the duties of constables and to repeal certain
161 acts therein named, approved April 1, 1872.

162 All of an Act to revise the law in relation to justices of the peace and con-
163 stables, approved June 26, 1895, excepting sections one (1) to fifteen (15), both
164 inclusive, thereof, and all subsequent Acts amendatory of the portion of said
165 Act hereby repealed.

166 Sections sixteen (16) to thirty-three (33), both inclusive, of an Act to re-
167 vise the law in relation to landlord and tenant, approved May 1, 1873.

168 An Act in regard to limitations, approved April 4, 1872, and all subsequent
169 Acts amendatory thereof.

170 An Act to revise the law in relation to the commitment and detention of
171 lunatics, and to provide for the appointment and removal of conservators and
172 to repeal certain acts therein named, approved June 21, 1893, and all subse-
173 quent Acts amendatory thereof.

174 An Act to revise the law in relation to idiots, lunatics, drunkards and spend-
175 thrifts, approved March 26, 1874, and all subsequent Acts amendatory thereof.

- 176 An Act to revise the law in relation to mandamus, approved February 25,
177 1874.
- 178 An Act concerning masters in chancery, approved April 4, 1872.
- 179 An Act to revise the law in relation to ne exeat, approved March 12, 1874.
- 180 An Act to revise the law in relation to the partition of real estate, approved
181 February 9, 1874, and all subsequent Acts amendatory thereof.
- 182 An Act in relation to practice and procedure in courts of record, approved
183 June 3, 1907, and all subsequent Acts amendatory thereof.
- 184 An Act to provide a trial by jury in all cases where a judgment may be
185 satisfied by imprisonment, approved June 17, 1893.
- 186 An Act to revise the law in relation to quo warranto, approved March 23,
187 1874, and all subsequent Acts amendatory thereof.
- 188 An Act to provide for referees in common law cases, approved February
189 3, 1872.
- 190 An Act to revise the law in relation to replevin, approved February 9, 1874,
191 and all subsequent Acts amendatory thereof.
- 192 Sections two (2), three (3), seven (7) to eleven (11), both inclusive, fifteen
193 (15), sixteen (16), and nineteen (19) to twenty-six (26), both inclusive, of an
194 Act to revise the law in relation to sheriffs, approved January 27, 1874.
- 195 An Act to prevent non-residents from serving or acting as deputy sheriffs,
196 special policemen, or special constables, approved June 19, 1893.
- 197 Section sixty (60) of an Act to revise the law in relation to State contracts,
198 approved March 31, 1874.
- 199 An Act to regulate the reporting of the decisions of the supreme court of
200 this State, to fix the compensation of the reporter, to fix the price of said re-
201 ports, to provide for the purchase of certain copies thereof by the State and
202 for their distribution, approved May 17, 1877.
- 203 An Act providing for the trial of the right of property and claims of ex-
204 emption in the county court, approved April 9, 1875.

205 An Act to revise the law in relation to change of venue, approved March
206 25, 1874, and all subsequent Acts amendatory thereof.

207 An Act in relation to the practice in the courts of record in this State, ap-
208 proved June 18, 1891.

209 An Act in regard to wills, approved March 20, 1872, and all subsequent
210 Acts amendatory thereof.

211 An Act in relation to the probate of wills, approved June 3, 1897.

212 An Act creating attorney's lien and for enforcement of same, in force July
213 1, 1909.

214 An Act to extend the jurisdiction of probate courts and county courts hav-
215 ing probate jurisdiction so as to include the complete administration of testate
216 estates, approved June 14, 1909.

217 An Act to allow a per diem fee to clerks of the circuit, county and probate
218 courts in counties of the first and second class and to repeal certain Acts therein
219 named, approved June 4, 1909.

220 An Act to provide for fees of clerks of probate courts in counties of the
221 second class having a population of seventy thousand or more, approved June
222 16, 1909.

223 All other acts and parts of acts inconsistent with the provisions of this act.

Sec. 2051. EFFECT OF REPEAL AS TO PENDING ACTIONS.] The repeal of the
2 Acts and parts of Acts specified in the preceding section shall not be construed
3 to repeal either of said Acts or parts of Acts as to any offense committed
4 against the same, or as to any act done, any penalty, forfeiture or punishment
5 incurred, or any right accrued, or claim arising under such Act or part of an Act,
6 or in any way whatever to affect any such offense or act so committed or done,
7 or any penalty, forfeiture or punishment so incurred, or any right accrued, or
8 claim arising before this Act takes effect, save only that the proceedings there-
9 after shall conform, as near as may be, to this Act, excepting in the following
10 cases:

First—JURISDICTION OF APPEALS AND WRITS OF ERROR.]

Every appeal taken or writ of error sued out after the taking effect of this Act shall be taken to or sued out from the court to which there is given by this Act jurisdiction of such appeal or writ of error, and in the manner prescribed by this Act, as near as may be.

Second—ACTIONS TRIED OR DETERMINED AFTER TAKING EFFECT OF ACT.]

In all actions and proceedings commenced before the taking effect of this Act, but tried or determined after the taking effect thereof, the mode of trial, the method of preserving questions for review upon appeal or writ of error, the method of taking an appeal or prosecuting a writ of error, and the method of procedure in the appellate courts and the supreme court with respect to such appeals or writs of error shall be the same as that prescribed by this Act, as near as may be.

Third—MISTAKES NOT TO PREJUDICE.]

Mistakes of parties or their attorneys in the methods of procedure in actions pending at the time of the taking effect of this Act shall not be permitted to prejudice such parties in the prosecution of appeals and writs of error, but the appellate courts and the supreme court shall provide that every such appeal or writ of error shall be determined according to the very right and justice of the case and to that end shall have power to authorize or direct all necessary amendments of the record, which may be necessary to enable any party to prosecute an appeal or writ of error which such party has, in good faith, intended to prosecute.

DIVISION LXXVI.

THE TAKING EFFECT OF THIS ACT AND THE STEPS TO BE TAKEN PRELIMINARY THERETO.

SECTION.

2052. When act to take effect.
 2053. Duty of attorney general to prepare specimen blanks, etc.
 2054. Duty of clerks of courts and county clerks to procure record books, dockets and blanks.

SECTION.

2055. Preparations for stenographic and typewriting departments.
 2056. Duty of courts of record to make rules.

Sec. 2052. WHEN ACT TO TAKE EFFECT.] This act, excepting the succeeding
 2 four sections hereof, shall not take effect and become operative until the first
 3 day of January, 1912, until which time all acts of the General Assembly hereby
 4 repealed and all other laws pertaining to courts in force on the 30th day of June,
 5 1911, shall remain in force and be operative, anything in this act to the contrary
 6 notwithstanding.

Sec. 2053. DUTY OF ATTORNEY GENERAL TO PREPARE SPECIMEN BLANKS, ETC.]

2 It shall be the duty of the attorney general to prepare and distribute or cause to
 3 be prepared and distributed, to the clerks of all courts of record of this State,
 4 the expense thereof to be paid out of the appropriation to be made therefor,
 5 specimen forms of pages of record books and of the various papers to be used
 6 in such courts, and also to prepare and distribute, or cause to be prepared and
 7 distributed, to the county clerk of each county specimen forms of pages of dock-
 8 ets and of papers to be used in proceedings before justices of the peace, in pur-
 9 suance of this act when the same shall take effect and become operative as afore-
 10 said, such forms to be as numerous as, in the opinion of the attorney general,
 11 may be practicable and conducive to the proper and orderly transaction of the
 12 business of the courts of this State under and in pursuance of the terms of this
 13 act.

Sec. 2054. DUTY OF CLERKS OF COURTS AND COUNTY CLERKS TO PROCURE RECORD

2 BOOKS, DOCKETS AND BLANKS.] It shall be the duty of each clerk of a court of

3 record of this State to procure, prior to the first day of January, 1912, and to
 4 have on hand on said date, all the record books and blanks to be used in the
 5 transaction of the business of said respective courts in pursuance of this act and
 6 to furnish such blanks to such persons as may be entitled to be furnished there-
 7 with in pursuance of the provisions of this act; and it shall be the duty of the
 8 county clerk of each county to procure suitable dockets and blanks for justices
 9 of the peace to be used by them in the transaction of business in pursuance of
 10 this act and to distribute the same to the justices of the peace of his county.
 11 The expense of record books and blanks procured by the clerks of city courts
 12 shall be paid out of the city treasuries of the cities in which such courts are or-
 13 ganized; the expense of record books, dockets and blanks procured by the clerks
 14 of circuit courts, county courts, probate courts, the superior court of Cook
 15 county, the criminal court of Cook county, and county clerks, shall be paid out
 16 of the county treasuries of the counties in which such courts of record are re-
 17 spectively organized or in which the respective justices of the peace are elected;
 18 and the expense of the record books and blanks procured by clerks of the appel-
 19 late courts and of the supreme court shall be paid out of the State treasury out
 20 of the appropriation to be made therefor.

Sec. 2055. PREPARATIONS FOR STENOGRAPHIC AND TYPEWRITING DEPARTMENTS.]

2 It shall be the duty of the judges of the circuit court of each circuit, and in Cook
 3 county of the judges of the circuit and superior courts jointly, to take all steps
 4 which may be necessary for the organization of stenographic and typewriting
 5 departments in their respective circuits, or in Cook county, as the case may be,
 6 by the holding of civil service examinations where the same may appear to be
 7 necessary under the provisions of this Act, by the employment of typewriters
 8 and stenographers, by procuring suitable rooms, typewriting machines and
 9 other materials for the use of the stenographic and typewriting departments,
 10 and by the taking of all other steps which may be found necessary to the com-
 11 plete organization and equipment of such typewriting departments on the first
 12 day of January, 1912.

Sec. 2056. DUTY OF COURTS OF RECORD TO MAKE RULES.] It shall be the duty
2 of all the courts of record, which, by the terms of this Act, are given power to
3 make rules and regulations, to prepare and adopt, so that the same may be effec-
4 tive on the first day of January, 1912, or as soon thereafter as may be found
5 practicable, all such rules and regulations as such courts respectively are, by the
6 terms of this Act, to be authorized to adopt, and as they may deem necessary
7 or proper for the administration of justice under and in pursuance of this Act.
8 The judges of the circuit court of each circuit, and in Cook county the judges
9 of the circuit and superior courts jointly, are hereby authorized to employ any
10 competent person or persons to assist them in the preparation of the rules pro-
11 vided for by this act. The person or persons so employed shall receive such com-
12 pensation as may be determined by the judges by whom he or they may be em-
13 ployed. In Cook county such compensation shall be paid out of the county
14 treasury of said county. In circuits other than Cook county such compensation
15 shall be paid by the respective counties of each circuit in proportion to their re-
16 spective populations.

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1 Adopted April 7, 1911.

AMENDMENT NO. 1.

Amend Section 6 on page 4 of the printed bill so that the same may read as follows:

“Sec. 6. WHEN JUDGES OF SUPREME COURT MUST ATTEND.] There shall be
2 a majority of the judges of the supreme court in attendance at the seat of govern-
3 ment at least two weeks in each month of the year, excepting the months of July
4 and August, and at such other times as may be deemed necessary for the prompt
5 and proper disposition of the business which may be brought before the court, and
6 during the entire year there shall be in attendance, either at the seat of govern-
7 ment, or at some other convenient place within this State, at least one of the
8 judges of said court for the hearing and disposition of such interlocutory mo-
9 tions or other matters as may be heard and disposed of by a single judge of
10 said court.”

AMENDMENT NO. 2.

Strike out the words “or an information for the disbarment of any attorney
2 at law,” in line 23 of Section 7, on page 5 of the printed bill.

AMENDMENT NO. 3.

Strike out Section 8 on page 6 of the printed bill.

AMENDMENT NO. 4.

Strike out “NOTICE” in line 1, all of lines 2 to 17, both inclusive and all of
2 line 18 before “When” in Section 14 on page 10 of the printed bill.

AMENDMENT NO. 5.

Amend Section 15 on pages 11 and 12 of the printed bill so that the same may read as follows:

“Sec. 14. FAILURE OF PARTY TO ATTEND—ATTORNEY’S FEES.] When any party,
 2 after an agreement for the hearing of a matter as provided in the preceding sec
 3 tion, shall, by himself or attorney, attend upon the circuit judge at the time and
 4 place fixed in such agreement and the opposite party shall fail to appear, by
 5 himself or attorney, at such time and place, the judge may make and sign an
 6 order for the payment by the party so failing to appear, by himself or attorney,
 7 of the necessary and reasonable expenses incurred by the party attending, or his
 8 attorney, in attending upon such circuit judge in pursuance of such agreement
 9 and of an attorney’s fee of ten dollars (\$10) per day for each day’s time occu-
 10 pied by such attorney in such attendance, and such order, when signed by the
 11 judge, shall be entered of record by the clerk of the court in which the action is
 12 pending and compliance therewith may be enforced by attachment against the
 13 party ordered to make such payment.

AMENDMENT NO. 6.

Strike out the words “one for every two” in line 9 of Section 46 on page
 2 29 of the printed bill and insert in place thereof the words “the number of”.

AMENDMENT NO. 7.

Strike out all of line 2 after the word “shall,” all of lines 3, 4, 5 and 6 and
 2 the words “the remaining portion thereof,” in line 7, of Section 50 on page 30
 3 of the printed bill and insert in place thereof the words “be above the age of
 4 twenty-five (25) years,”

AMENDMENT NO. 8.

Strike out all of Divisions VI, VII and VIII, including Sections 72 to 135,
 2 both inclusive, on pages 41-74, both inclusive, of the printed bill.

AMENDMENT NO. 9.

Strike out the words “orders of” in line 102 and also the words “allowing
 2 or disallowing any wills to probate” in line 103 of Section 136 on page 78 of the
 3 printed bill.

AMENDMENT NO. 10.

Between “(\$2,500)” and “the amount” in line 22 of Section 138 on page
 2 81 of the printed bill insert the words “every action for a tort to the person
 3 excepted”.

AMENDMENT NO. 11.

Strike out period (.) after “probate” in line 11 of Section 141 on page 84
 2 of the printed bill and insert in place thereof a comma (,) and add after said word
 3 “probate” the words “allowing or disallowing claims against estates, or approv-
 4 ing or disapprovinig the accounts of executors, administrators, guardians or con-
 5 servators,”

AMENDMENT NO. 12.

After “section” in line 9 of Section 144 on page 85 of the printed bill, in
 2 sert the words “and those of county courts and probate courts of appeals from
 3 which circuit courts and the superior court of Cook county are given jurisdiction
 4 by this Act.”

AMENDMENT NO. 13.

Insert between “county” and “in” in line 28 of Section 145 on page 87 of
 2 the printed bill the words “other than those of county courts and probate courts
 3 reviewable by appeals to circuit courts and the superior court of Cook county.”

AMENDMENT NO. 14.

After “probate” in line 4 of Section 1740 on page 1063 of the printed bill in-
 2 sert the words “or allowing or disallowing any claims against an estate, or ap-
 3 proving or disapproving an account of an executor, administrator, guardian or
 4 conservator”.

AMENDMENT NO. 15.

Before "and shall" in line 49 of Section 250 on page 170 of the printed bill
 2 insert "specifying in what the negligence consisted,"

AMENDMENT NO. 16.

Before "and the names" in line 54 of Section 250 on page 170 of the printed
 2 bill insert "specifying the nature of the wrongful act, neglect or default."

AMENDMENT NO. 17.

Between "plaintiff" and "on" in line 67 of Section 251 on page 173 of the
 2 printed bill insert "at Chicago, Illinois."

AMENDMENT NO. 18.

Strike out the period (.) after "negligence" in line 328 of Section 251 on
 2 page 181 of the printed bill and insert after said word "negligence" the words
 3 "consisting in (here state in what the negligence consisted)".

AMENDMENT NO. 19.

Strike out the period (.) after "negligence" in line 347 of Section 251 on
 2 page 181 of the printed bill and insert after said word "negligence" the words
 3 "consisting in (here state in what the negligence consisted)".

AMENDMENT NO. 20.

Strike out period (.) after "machinery" in line 404 of Section 251 on page
 2 183 of the printed bill and insert after said word "machinery" the following.
 3 "said machinery consisting of (here state what machinery consisted of) and the
 same being unsafe in this, that (here insert in what particulars the machinery
 5 was unsafe.)"

AMENDMENT NO. 21.

Strike out lines 35, 36 and 37 in Section 280 on page 222 of the printed
 2 bill.

AMENDMENT NO. 22.

Between “amendable” and “at” in line 38 of Section 280 on page 222 of the
 2 printed bill insert “in the discretion of the court,” and strike out “*Sixth*” in
 3 said line 38 and insert “*Fifth*” in place thereof.

AMENDMENT NO. 23.

Strike out lines 40, 41, 42, 43, 44, 45 and 46 in Section 280 on page 222 of the
 2 printed bill.

AMENDMENT NO. 24.

Strike out Sections 294 and 295 on pages 231 and 232 of the printed bill.

AMENDMENT NO. 25.

Strike out lines 22, 23, 24, 25, 26, 27 and 28 of Section 296 on page 233 of the
 2 printed bill.

AMENDMENT NO. 26.

In Section 406 on pages 279 and 280 of the printed bill strike out lines 22, 23,
 2 24, 25, 26, 27 and 28; strike out “*Eighth*” in line 29 and insert “*Sixth*” in place
 3 thereof; strike out lines 36, 37, 38, 39, 40, 41, 42, 43, 44, 45 and 46; strike out
 4 “*Eleventh*” in line 47 and insert “*Seventh*” in place thereof; strike out
 5 “*Twelfth*” in line 50 and insert “*Eighth*” in place thereof; strike out “*Thir-*
 6 *teenth*” in line 53 and insert “*Ninth*” in place thereof; strike out “*Fourteenth*”
 7 in line 54 and insert “*Tenth*” in place thereof; strike out “*Fifteenth*” in line
 8 59 and insert “*Eleventh*” in place thereof; insert “and” between “fourth” and
 9 “fifth” in line 62; strike out “and sixth” in line 62; and strike out all of line
 10 63 after “quo warranto” and all of lines 64 and 65.

AMENDMENT NO. 27.

Strike out “1909” in line 37 of Section 407 on page 282 of the printed bill
 2 and insert in place thereof “1912.”

AMENDMENT NO. 28.

Strike out Sections 515 and 516 on pages 350 and 351 of the printed bill.

AMENDMENT NO. 29.

Strike out Sections 533 and 534 on pages 360 and 361 of the printed bill.

AMENDMENT NO. 30.

In Section 535 on pages 361, 362, 363 and 364 of the printed bill, strike out
 2 all of line 3 after “the court” and all of lines 4, 5, 6 and 7; strike out the period
 3 (.) after “writing” in line 11 and insert in place thereof a comma (,) and add
 4 after said word “writing” the words “unless either party, at or before the swear-
 5 ing of the jury to try the issues, shall object to an oral charge, in which case
 6 the charge shall be given in writing;” and strike out the period (.) after “writ-
 7 ing” in line 77 and insert in place thereof a comma (,) and add after said word
 8 “writing” the words “or either party, at or before the swearing of the jury
 9 to try the issues, shall have objected to an oral charge.”

AMENDMENT NO. 31.

Between “opportunity” and “to examine” in line 92 of Section 535 of the
 2 printed bill on page 364 insert the words “and a reasonable time, not less than
 3 thirty minutes,”

AMENDMENT NO. 32.

Strike out the period (.) after “specifically” in line 94 of Section 535 on
 2 page 364 of the printed bill and insert in place thereof a colon(:) and add after
 3 said word “specifically” the words “*Provided, however,* that in a criminal ac-
 4 tion the failure of the defendant or his attorney to point out an objection to an
 5 instruction shall not preclude him from obtaining relief, upon a motion for a
 6 new trial in the court of original jurisdiction or upon a writ of error in the su-
 7 preme court, from any substantial error in such instruction by which injustice
 8 has resulted to the defendant, or by which the defendant has been deprived of his
 9 right to a fair and impartial trial, nor shall a like failure of a party in a civil
 10 action preclude him from obtaining like relief, either in the court of original
 11 jurisdiction or in the court of appellate jurisdiction, from an error in an in-

12 struction, when the failure to obtain such relief would result in a plain mis-
 13 carriage of justice.”

AMENDMENT NO. 33.

Strike out Section 536 on pages 364 and 365 of the printed bill.

AMENDMENT NO. 34.

Strike out Section 541 on page 366 of the printed bill.

AMENDMENT NO. 35.

Strike out Section 551 on pages 369 and 370 of the printed bill.

AMENDMENT NO. 36.

Strike out “forty-eight hours” in line 3 of Section 698 on page 442 of the
 2 printed bill and insert in place thereof the words “ten days,” and strike out
 3 “five” in line 8 of said Section 698 and insert in place thereof “fifteen”.

AMENDMENT NO. 37.

Between “premises” and “nor” in line 6 of Section 698 on page 442 of the
 2 printed bill insert the words “or, in case the defendant may not be found by the
 3 sheriff or other officer, or there may be no other person in actual possession of
 4 the premises, until the lapse of forty-eight hours after the posting by the sheriff
 5 or other officer of a copy of such writ upon such premises,”

AMENDMENT NO. 38.

Strike out the period (.) after “thereof” in line 4 of Section 698 on page
 2 442 of the printed bill and insert in place thereof a colon (:) and add after said
 3 word “thereof” the following: “*Provided, however,* that if, in any case in which
 4 a tenancy has not become subject to termination by lapse of time, the defendant
 5 before the time when such writ of possession may be executed, or within such
 6 time thereafter as the court may require, shall pay to the plaintiff such rent as
 7 may be found by the court to be due the plaintiff, together with the costs of the
 8 action, and all damages, if any, which may be due the plaintiff by reason of the

9 breach of any covenant of the lease under which the premises have been pos-
 10 sessed by the defendant, the court shall vacate the judgment.”

AMENDMENT NO. 39.

Between “amendable” and “in” in line 5 of Section 746 on page 468 of the
 2 printed bill insert the words “in any matter of form only;” strike out the words
 3 “or after” and the words “whether before or after judgment” in line 4 of said
 4 section on said page 468; and strike out all of said section after the words “is
 5 had” in line 6 on said page 468.

AMENDMENT NO. 40.

Strike out the period (.) after “report” in line 13 of Section 816 on page 536
 2 of the printed bill and insert after said word “report” the following: “unless
 3 such document, whether the same be written or printed, is of such length that the
 4 insertion of a copy thereof in the report would result in unnecessary expense
 5 or inconvenience, in which case the same, after being marked for identification
 6 by the master, may be omitted from the report and may be produced in court
 7 upon the consideration of the master’s report, or, upon the prosecution of an
 8 appeal or writ of error, may be produced in the court in which such appeal or
 9 writ of error is heard.

AMENDMENT NO. 41.

Strike out “when such new” in line 33 and all of lines 34, 35 and 36 of Sec-
 2 tion 144 on page 86 of the printed bill and also strike out all of line 21 after
 3 “jury” and all of lines 22, 23 and 24 in Section 1741 on page 1064 of the printed
 4 bill.

AMENDMENT NO. 42.

After “property” in line 10 of Section 192 on page 122 of the printed bill
 2 insert “or insufficient property.”

AMENDMENT NO. 43.

Before “shall” in line 11 of Section 434 on page 297 of the printed bill
 2 insert “or the court shall direct.”

AMENDMENT NO. 44.

Strike out “and” and insert “or” in place thereof in line 8 of Section 577
 2 on page 381 of the printed bill.

AMENDMENT NO. 45.

Strike out “three” and insert “five” in place thereof in line 13 of Section
 2 1272 on page 797 of the printed bill.

AMENDMENT NO. 47.

Strike out lines 29, 30, 31, 32 and 33 of Section 755 on page 473 of the printed
 2 bill.

AMENDMENT NO. 48.

Strike out “fifteen dollars (\$15)” in lines 45 and 46 of Section 1951 on page
 2 1291 of the printed bill and insert in place thereof “eight dollars (\$8).”

AMENDMENT NO. 49.

Strike out “twenty dollars (\$20)” in lines 46 and 47 of Section 1951 on
 2 page 1291 of the printed bill and insert in place thereof “twelve dollars (\$12).”

AMENDMENT NO. 50.

Strike out “fifteen dollars (\$15)” in lines 48 and 49 of Section 1951 on page
 2 1291 of the printed bill and insert in place thereof “eight dollars (\$8).”

AMENDMENT NO. 51.

Strike out “twenty dollars (\$20)” in lines 49 and 50 of Section 1951 on page
 2 1291 of the printed bill and insert in place thereof “twelve dollars (\$12).”

AMENDMENT NO. 52.

Strike out “five dollars (\$5)” in lines 66 and 67 of Section 1951 on page
 2 1292 of the printed bill and insert in place thereof “two dollars (\$2).”

AMENDMENT NO. 53.

Strike out “ten dollars (\$10)” in line 67 of Section 1951 on page 1292 of
 2 the printed bill and insert in place thereof “three dollars (\$3).”

AMENDMENT NO. 54.

Strike out “five dollars (\$5)” in line 72 of Section 1951 on page 1292 of
 2 the printed bill and insert in place thereof “two dollars (\$2).”

AMENDMENT NO. 55.

Strike out “ten dollars (\$10)” in line 73 of Section 1951 on page 1292 of
 2 the printed bill and insert in place thereof “three dollars (\$3).”

AMENDMENT NO. 56.

Strike out “fifteen dollars (\$15)” in line 81 of Section 1951 on page 1292 of
 2 the printed bill and insert in place thereof “eight dollars (\$8).”

AMENDMENT NO. 57.

Strike out “twenty dollars (\$20)” in line 82 of Section 1951 on page 1293
 2 of the printed bill and insert in place thereof “twelve dollars (\$12).”

AMENDMENT NO. 58.

Strike out “twenty-five dollars (\$25)” in line 5 of Section 1955 on page
 2 1294 of the printed bill and insert in place thereof “eight dollars (\$8).”

AMENDMENT NO. 59.

Strike out “thirty dollars (\$30)” in line 6 of Section 1955 on page 1294
 2 of the printed bill and insert in place thereof “twelve dollars (\$12).”

AMENDMENT NO. 60.

Strike out “five dollars (\$5)” in line 7 of Section 1955 on page 1294 of the
 2 printed bill and insert in place thereof “two dollars (\$2).”

AMENDMENT NO. 61.

Strike out “twenty dollars (\$20)” in line 9 of Section 1955 on page 1294
 2 of the printed bill and insert in place thereof “six dollars (\$6).”

AMENDMENT NO. 62.

Strike out “twenty-five dollars (\$25)” in line 10 of Section 1955 on page
2 1294 of the printed bill and insert in place thereof “ten dollars (\$10).”

AMENDMENT NO. 63.

After “Act” in line 15 of Section 1955 on page 1294 of the printed bill add
2 the following: “In other cases of appeals from county courts and probate
3 courts to circuit courts and to the superior court of Cook county the fees to be
4 paid to the clerk of the court appealed from shall be six dollars (\$6), of which
5 such clerk shall retain two dollars (\$2) and transmit the remaining four dollars
6 (\$4) to the clerk of the court appealed to: *Provided, however,* that if the
7 party appealing shall file with the clerk of the court appealed to a demand in
8 writing of a trial by jury, he shall pay to the clerk an additional sum of six
9 dollars (\$6).”

AMENDMENT NO. 64.

Strike out “fifteen dollars (\$15)” in line 6 of Section 1957 on page 1295
2 of the printed bill and insert in place thereof “ten dollars (\$10).”

AMENDMENT NO. 65.

Strike out “twenty dollars (\$20)” in lines 6 and 7 of Section 1957 on page
2 1295 of the printed bill and insert in place thereof “twelve dollars (\$12).”

AMENDMENT NO. 66.

Strike out “twenty-five dollars (\$25)” in lines 7 and 8 of Section 1957 on
2 page 1295 of the printed bill and insert “fifteen dollars (\$15)” in place thereof.

AMENDMENT NO. 67.

Strike out “allowing or disallowing any will to probate” in line 3 of Sec-
2 tion 1964 on page 1299 of the printed bill.

AMENDMENT NO. 68.

Strike out “five dollars (\$5)” in line 5 of Section 1964 on page 1300 of the
2 printed bill and insert in place thereof “two dollars (\$2).”

AMENDMENT NO. 69.

Strike out “one-half” in line 3 of Section 1969 on page 1301 of the printed
 2 bill and insert in place thereof “one.”

AMENDMENT NO. 70.

Strike out “half” wherever the same occurs in lines 6 and 7 of Section 1969
 2 on page 1301 of the printed bill.

AMENDMENT NO. 71.

Amend Section 1976 on pages 1304, 1305 and 1306 of the printed bill by
 2 striking out “fifteen dollars (\$15)” and inserting “ten dollars (\$10)” in place
 3 thereof in line 6; also by striking out “thirty dollars (\$30)” and inserting
 4 “fifteen dollars (\$15)” in place thereof in line 9; also by striking out “one dol-
 5 lar (\$1)” and inserting “fifty (50) cents” in place thereof in line 15; also by
 6 striking out “two dollars (\$2)” and inserting “one dollar (\$1)” in place thereof
 7 in line 17; also by striking out “three dollars (\$3)” and inserting “one dollar
 8 and fifty cents (\$1.50)” in place thereof in line 18; also by striking out “four
 9 dollars (\$4)” and inserting “two dollars (\$2)” in place thereof in line 20; also
 10 by striking out “six dollars (\$6)” and inserting “three dollars (\$3)” in place
 11 thereof in line 22.

AMENDMENT NO. 72.

Strike out Sections 1985, 1986, 1987 and 1988 on pages 1310, 1311 and 1312
 2 of the printed bill.

AMENDMENT NO. 73.

Strike out Section 2041 on page 1352 of the printed bill.

AMENDMENT NO. 74.

Strike out Section 2046 on page 1355 of the printed bill.

AMENDMENT NO. 75.

Amend Section 2047 on pages 1355 and 1356 of the printed bill by inserting

2 “temporary” before “rules” in line 8 of said section on page 1355 of the printed
 3 bill; also by striking out “or to promote a more speedy and satisfactory admin-
 4 istration of justice in the courts of this State” in lines 10, 11 and 12 of said
 5 section on page 1356 of the printed bill; also by inserting “temporary” between
 6 “such” and “rules” in line 14 of said section on page 1356 of the printed bill;
 7 also by striking out “rules making changes in and modifications of methods pro-
 8 cedure prescribed by this Act shall not” in lines 4 and 5 of said section on page
 9 1356 of the printed bill and inserting in place thereof “no temporary rules or
 10 regulations provided for in the preceding section shall;” and also by striking
 11 out the words “unless the same shall be approved by a joint resolution of the
 12 General Assembly, passed by an affirmative vote of a majority of the members
 13 of each house thereof.”

AMENDMENT NO. 76.

Strike out of Section 2050 lines 22 and 23 on page 1357, lines 197, 198, 199
 2 200, 201 and 202 on page 1363 and lines 212 and 213 on page 1364 of the printed
 3 bill.

AMENDMENT NO. 77.

Amend Section 1396 on pages 845 and 846 of the printed bill by inserting
 2 before “such” in line 5 of said section on page 645 of the printed bill the fol-
 3 lowing: “or that there is reasonable ground to believe that there is concealed in
 4 any such house or place (a) any counterfeit or spurious coin, forged bank notes
 5 or other forged instruments, or tools, machinery or materials prepared or pro-
 6 vided for making either of them, (b) any books, pamphlets, ballads, printed
 7 papers or other things containing obscene language, or obscene prints, pictures,
 8 figures or descriptions, manifestly tending to corrupt the morals of youth, and
 9 intended to be sold, loaned, circulated or distributed, or to be introduced into
 10 any family, school, or place of education, (c) any lottery tickets, or materials
 11 for a lottery, unlawfully made, provided or procured, for the purpose of draw-
 12 ing a lottery, (d) any gaming apparatus, or implements used, or kept and pro

13 vided to be used in unlawful gaming, in any gaming house or in any building,
14 apartment, or place resorted to for the purpose of unlawful gaming.”

AMENDMENT NO. 78.

Amend Section 1639 on pages 990 and 991 of the printed bill by inserting
2 before “such” in line 5 of said section on page 991 of the printed bill the follow-
3 ing: “or that there is reasonable ground to believe that there is concealed in
4 any such house or place (a) any counterfeit or spurious coin, forged bank notes
5 or other forged instruments, or tools, machinery or materials prepared or pro-
6 vided for making either of them, (b) any books, pamphlets, ballads, printed
7 papers or other things containing obscene language, or obscene prints, pictures,
8 figures or descriptions, manifestly tending to corrupt the morals of youth, and
9 intended to be sold, loaned, circulated or distributed, or to be introduced into
10 any family, school, or place of education, (c) any lottery tickets, or materials
11 for a lottery, unlawfully made, provided or procured, for the purpose of
12 drawing a lottery, (d) any gaming apparatus, or implements used, or kept and
13 provided to be used in unlawful gaming, in any gaming house, or in any building,
14 apartment, or place resorted to for the purpose of unlawful gaming.”

AMENDMENT NO. 79.

Amend Section 1056 on page 651 of the printed bill by inserting between
2 “wage-earner” and “who is” the words “or salaried employee”.

AMENDMENT NO. 80.

Between “warrant” and “which” in line 9 of Section 1057 on page 652 of
2 the printed bill insert the words “or with the clerk of the court out of which the
3 execution, writ of attachment or distress warrant has issued.”

AMENDMENT NO. 81.

Between “water craft” and “excepted” in line 5 of Section 1522 on page
2 913 of the printed bill insert the words “and an action for a tort to the person”.

AMENDMENT NO. 82.

Insert “eminent” between “every” and “domain” in line 54 of Section 145
 2 on page 88 of the printed bill.”

AMENDMENT NO. 83.

Insert “if any” between “service” and “of” in line 6 of Section 353 on page
 2 227 of the printed bill.

AMENDMENT NO. 84.

Amend Section 1863 on page 1151 of the printed bill by striking out lines
 2 11, 12, 13 and 14, and by striking out “*Fifth*” in line 15 and insert in place
 3 thereof “*Fourth*.”

AMENDMENT NO. 85.

Renumber the sections of Act, omitting the sections stricken out, so that
 2 the sections retained shall be numbered consecutively commencing with one;
 3 strike out the sectional indexes of each division between the title of the division
 4 and the first section thereof; wherever, in any section of the printed bill, there
 5 is a reference by number to any other sections of the bill, change such referency
 6 number to the number given to such section referred to after the sections of the
 7 bill are renumbered as above provided; and change the numbers of Divisions IX
 8 to LXXVI, both inclusive, of the printed bill so that the same shall be numbered
 9 consecutively from VI to LXXIII, both inclusive.



- 1 Introduced by Mr. Gorman, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards, when appointed.

A BILL

For an Act to amend Section seven (7) of an Act entitled, "An Act to provide for the operation of pleasure driveway and park districts," approved June 19th, 1893, in force July 1st, 1893; as amended by an Act approved June 17th, 1895, in force July 1st, 1895.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section Seven (7) of an Act en-
3 titled, "An Act to provide for the creation of Pleasure Driveway and Park Dis-
4 tricts," approved June 19th, 1893, in force July 1st, 1893; as amended by an
5 Act approved June 17th, 1895, in force July 1st, 1895, be and the same is hereby
6 amended to read as follows:

Par. 7. The board of trustees of any pleasure driveway and park district
2 organized under this Act shall have power within the jurisdiction of such pleas-
3 ure driveway and park districts to designate by ordinance the whole or any part
4 of two or more streets, roads, avenues, boulevards or highways under the juris-
5 diction of any city, town or village within the boundaries of said district, as a
6 public driveway, to be used for pleasure driving only, and to improve or main-

tain the same; and also to lay out, establish, open, alter, widen, extend, grade
 pave or otherwise improve and maintain such streets, roads, avenues, boulevards
 or highways and designate the same as pleasure driveways, to be used for pleas-
 ure driving only. The corporate authorities of such pleasure driveway and
 park districts may, by ordinance, regulate, restrain and control the speed of
 travel upon the same, and in all things may regulate, restrain and control the
 use of said pleasure driveway and parks by the public or individuals, and may
 exclude therefrom funeral processions, hearses and traffic teams and vehicles, so
 as to free the same from any and all business traffic or objectionable travel, and
 may prescribe by ordinance such fines and penalties for the violation thereof as
 cities and villages are allowed by law to prescribe for the violation of or-
 dinances: *Provided*, that any and all roads, highways, avenues, pleasure drive-
 ways, boulevards and parks lying wholly or in part within the corporate limits
 of any city, town or village situated within any pleasure driveway and park dis-
 trict organized under this Act shall first, from and after the organization of
 such district by ordinance of the corporate authorities of such city, town or
 village, be turned over and placed under the control of the board of trustees of
 any such pleasure driveway and park district, and accepted by ordinance by
 such district.

Power is also hereby conferred upon any pleasure driveway and park dis-
 trict organized under this Act, to lay out, extend, maintain and improve pleas-
 ure driveways and boulevards under the provisions of article 9 of an Act to pro-
 vide for the incorporation of cities and villages, approved April 10th, 1872, and
 in force July 1st, 1872, and all amendments thereto so far as the same may
 apply. The same provisions shall apply to the collections of the assessments
 by installments and for the issuing of bonds, and vouchers therefor as are pro-
 vided in cases of special assessments of cities and villages in article 9 aforesaid,
 and amendments thereto, and also an Act of the General Assembly entitled,
 "An Act to authorize the division of special assessments in cities, towns and
 villages into installments, and authorizing the issue of bonds to anticipate the

37 collection of the deferred installments," approved June 17th, 1893 and in force
38 July 1st, 1893.

39 *The park engineer, who shall also be ex officio superintendent of special as-*
40 *sessments, the chairman of the finance committee and the President of said*
41 *board of trustees, shall constitute the Board of Local Improvements for such*
42 *park districts who shall act as such board of local improvements without com-*
43 *pensation; and the Secretary of said board of trustees shall be ex officio secre-*
44 *tary of said board of local improvements and collector of said special tax or*
45 *special assessments.*

46 *The mode of making such special assessments, and the filing of the assess-*
47 *ment roll and proceedings thereon, shall be the same as provided by law for*
48 *making special assessments for local improvements in cities of over fifty thou-*
49 *sand inhabitants.*

50 *Power is also hereby conferred upon any board of trustees of any such park*
51 *district organized under this Act to appropriate money to be expended for musi-*
52 *cal concerts in the parks of the district, for the publication of the proceedings of*
53 *one meeting each month of said board of trustees and for the expense of publish-*
54 *ing of the annual report of said park district.*



- 1 Introduced by Mr. Kerrick, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make appropriations for ordinary and other expenses of the Illinois State Reformatory at Pontiac.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the following amounts, or so much
3 thereof as may be necessary, be, and the same are hereby appropriated to the
4 Illinois State Reformatory, at Pontiac, for the purposes hereinafter named and
5 no other:
6 For ordinary expenses of the Reformatory and expenses of the Board
7 of Managers for the year ending June 30, 1912.....\$180,000
8 For ordinary expenses of the Reformatory and expenses of the Board
9 of Managers for the year ending June 30, 1913..... 180,000
10 For maintaining Parole system, \$12,500 per annum..... 25,000
11 For maintenance of electric lights, telephone, telegraph and fire alarm
12 system, and purchase of two hot water heaters and one new switch-
13 board 3,400
14 For material for Trade School Instruction, \$2,500 per annum..... 5,000

15	For school books for inmates, school seats, desks, charts, reference books,	
16	etc., and the purchase of books for the library, \$1,250 per annum..\$	2,500
17	For the repair of farm buildings, building two new silos, building one new	
18	root house, and the purchase of additional cows and horses.....	2,500
19	For maintenance and extension of Manual Training School, \$5,000 per	
20	annum	10,000
21	For lectures, entertainments, concerts, etc., \$500 per annum.....	1,000
22	For completing the construction of the wall, started in 1910, around the	
23	institution to take the place of the old board fence now in use, the	
24	sum of	13,000
25	For the purchase and installation of machinery necessary for comple-	
26	tion of a plant for the manufacture of artificial ice	3,500
27	For general repairs and improvements and fitting up the inmates'	
28	bathroom in north cell house, \$5,000 per annum.....	10,000
29	For maintenance of Y. M. C. A., \$200 per annum.....	400

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed

2 to draw his warrants on the State Treasurer for the amounts herein appro-

3 priated quarterly, in advance, in so far as it relates to the appropriations for

4 ordinary expenses, upon the order of the Board of Managers of said Reforma-

5 tory, signed by the President and attested by the Secretary, with the seal of

6 the institution and the approval of the Governor thereto attached: *Provided,*

7 that no part of such sums shall be due and payable to said institution until a

8 detailed statement of receipts from all sources, together with a detailed state-

9 ment of the expenditures accompanied by the original vouchers, is filed with the

10 Auditor of Public Accounts for all previous expenditures incurred and such de-

11 tailed statement of receipts and expenditures shall show the balance on hand at

12 the beginning of the period for which such statement is made, the total amounts

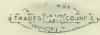
13 received and expended, and the balance on hand at the close of the quarter for

14 which the same is made; and the Auditor of Public Accounts is hereby author-

15 ized and directed to draw his warrants on the State Treasurer for the sum

16 hereby appropriated for special purposes, upon the order of the Board of Man-

17 agers, when accompanied by itemized bills of particulars, signed by the President
18 and attested by the Secretary, with the seal of the institution and approval of
19 the Governor thereto attached, certifying that the expenditures mentioned in said
20 bills of particulars have been made and that the amount is due and payable.



- 1 Introduced by Mr. McNichols, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation of twenty-five thousand dollars (\$25,000.00) for the relief of the widows and orphans of the firemen killed in stock yards fire on December 22, 1910.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there shall be and is hereby appro-
3 priated the sum of twenty-five thousand dollars (\$25,000.00) for the relief and
4 benefit of widows and orphans of the several firemen who lost their lives in the
5 great fire at Union Stock Yards in Chicago on December 22, 1910.

Sec. 2. Ten days after the passage of this bill it shall be the duty of the
2 Governor to appoint three reputable and responsible citizens of the city of Chi-
3 cago to act as commission for the distribution of the funds hereby appropriated
4 in and by Section 1 of this Act, and immediately upon said citizens receiving such
5 appointment and qualifying thereunder, it shall be the duty of said commisison to
6 ascertain the names of widows of said firemen and thereafter distribute said
7 moneys appropriated in equal shares, and thereafter report the distribution of
8 same to the Governor.



- 1 Introduced by Mr. Martin, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when ap-
pointed.

A BILL

For an Act conferring upon the Board of Administration of the State of Illinois
the power to condemn and take real estate as therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the Board of Administration,
3 created a body corporate under and by the name of "The Board of Administra-
4 tion" by virtue of an Act entitled "An Act to revise the laws relating to chari-
5 ties and making an appropriation to carry out the provisions thereof," approved
6 June 15, 1909, part of act in force July 1, 1909, and part in force January 1,
7 1910, be and the same is hereby empowered to acquire title to any real estate
8 for which it shall be unable to agree with the owner for the purchase thereof
9 and which may be required for the use of any of the State Charitable Institu-
10 tions of which said Board has control and management, in the manner that may
11 be now or hereafter provided for by an act entitled "An Act to provide for the
12 exercise of the right of eminent domain," approved April 10th, 1872, in force
13 July 1st, 1872, and any act or acts amendatory thereto.



1 Introduced by Mr. Morris, January 17, 1911.

2 Read by title, ordered printed and referred to Committee on Railroads, when
appointed.

A BILL

For an Act to regulate the number of men to be employed in the business of operating engines engaged in switching cars and to prescribe the qualifications of such men.

SECTION 1. *Be it enacted by the General Assembly:* That it shall be
2 unlawful for any person, firm or corporation engaged in operating standard
3 gauge railroad switch engines within the limits of the State of Illinois, to operate
4 said engine in the business of switching cars or making up trains with less
5 than a full crew, consisting of not less than one engineer, one fireman, one fore-
6 man, and two helpers. Said foreman and one of said helpers must have had
7 at least one year's experience as switchmen.

Sec. 2. Neither the foreman nor either of the helpers mentioned in Section
2 tion 1, shall be permitted to perform any other duties in addition to their duties
3 as foreman or helpers, while the engine upon which they are working is actually
4 engaged in the business of switching cars.

Sec. 3. Any person, firm or corporation violating any of the provisions of
2 this Act, shall, upon conviction thereof, be fined for a first offense not less than
3 one hundred dollars (\$100), and for the second offense not less than three hun-
4 dred dollars (\$300), and for any offense thereafter, not less than one thousand
5 dollars (\$1,000).



- 1 Introduced by Mr. Morris, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For and Act to provide for the liability of employers for injuries to their employees.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* Where, after the commencement of this
3 Act, personal injury is caused to any employee, by reason of negligence of his
4 employer, or of any other person in the service of such employer, the employee,
5 or in case of death, his representatives, shall have the same rights to compen-
6 sation and remedies against such employer as if the employee had not been an
7 employee of, nor in the service of such employer, nor engaged in his prok: *Pro-*
8 *vided, however,* That the fact that such employee may have been guilty of con-
9 tributory negligence shall not bar a recovery in any action hereafter brought
10 to recover such compensation, but the damages may be diminished by the jury
11 in proportion to the amount of negligence attributable to such employee; and
12 provided, further, That no such employee shall be held in such action to have
13 been guilty of contributory negligence in any case where the violation of the
14 employer of any statute enacted for the safety of employees contributed to his
15 injury.

16 An employee shall not be deemed to have assumed any risk incident to
 17 his employment by reason only of his having entered upon, or continued in,
 18 the employment after he knew of the risk, and shall in no event be held to have
 19 assumed any risk arising by reason of the negligence of his employer or of any
 20 person in the service of such employed.

21 All questions of negligence and contributory negligence and assumption of
 22 risk shall be for the jury.

Séc. 2. A contract whereby an employee relinquishes any right of compen-
 2 sation to himself or his representatives for personal injury caused to such
 3 employee by reason of the negligence of his employer or of any person in the
 4 service of his employer shall not, if made before the accrual of the right, con-
 5 stitute a defense to any action brought for the recovery of such compensation.

6 Where an employer has contributed to an insurance or fund providing
 7 any benefit for an employee or his representatives in case of injury or death, in
 8 any action brought against such employer for negligence in causing such injury
 9 or death, the jury in assessing the amount of compensation payable shall treat
 10 as a payment on account of the employer's liability so much of any money which
 11 has been or will be paid to the employee or his representatives out of the insur-
 12 ance or fund as in the opinion of the jury is attributable to the employers'
 13 contribution, but the agreement to accept, or acceptance of such benefit in whole
 14 or in part by such employee or his representatives, shall not constitute a de-
 15 fense to such action.

Séc. 3. In this Act: The term "employee" includes every person who
 2 has entered into the employment to give service, or who works under a contract
 3 or agreement of service or apprenticeship with an employer.

4 The term "employer" includes individuals, partnerships, and bodies of per-
 5 sons, corporate or incorporate, and shall be construed as including the repre-
 6 sentatives or receivers of deceased, defunct or insolvent employers.

7 The term “representatives” means legal representatives and shall be con-
8 strued as including the persons entitled to compensation in case of death of any
9 employee.

 Sec. 4. Nothing in this Act shall prejudicially affect any right or remedy
2 to which an employee is entitled independently of this Act.

 Sec. 5. This Act shall be in force from and after its passage and shall
2 apply to all contracts of employment thereafter made and entered into.



1 Introduced by Mr. Pervier, January 17, 1911.

2 Read by title, ordered printed and referred to Committee on Civil Service Re-
form, when appointed.

A BILL

For an Act to amend an Act entitled “An Act to regulate the Civil Service of the
State of Illinois,” approved May 11, 1905, in force July 1, 1905, as amended by
an Act approved April 19, 1907, in force July 1, 1907, and as further amended
by an Act approved May 25, 1907, in force July 1, 1907, by adding five new sec-
tions to be known as Sections 1a, 3a, 3b, 10a and 18a, and by amending Sec-
tions 2, 3, 4, 5, 6, 9, 10, 11, 12 and 14 thereof:

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections 2, 3, 4, 5, 6, 9, 10, 11, 12
3 and 14 of an “Act to regulate the Civil Service of the State of Illinois, approved
4 May 11, 1905, in force July 1, 1905, as amended by an Act approved April 19,
5 1907, in force July 1, 1907, and as further amended by an Act approved May
6 25, 1907, in force July 1, 1907, be and the same are hereby amended and that said
7 act be and the same is hereby further amended by adding thereto five new sec-
8 tions to be known as Sections 1a, 3a, 3b, 10a and 18a, which said sections as
9 amended and said additional sections shall read as follows:

1a. FUTURE APPOINTMENTS OF CIVIL SERVICE COMMISSIONERS.] *The successors*
2 *of the civil service commissioners now in office shall be appointed as follows:*

3 The Governor, by and with the advice and consent of the Senate, shall appoint
 4 three persons, whose terms of office shall expire at the expiration of the Gov-
 5 ernor's term of office, to constitute and be known as the Board for the Selection
 6 and Appointment of Employment Experts as Civil Service Commissioners, and
 7 whenever the term of a civil service commissioner shall expire and whenever
 8 there shall be a vacancy in the office of civil service commissioner, the said Board
 9 shall convene at the seat of government and appoint a successor to such civil
 10 service commissioner or fill such vacancy for the unexpired term, such appoint-
 11 ment to be made of the most fit candidate for such appointment selected upon
 12 the basis of public competition open to citizens of the State of Illinois, and of
 13 merit, experience and expert qualification to be tested by appropriate examina-
 14 tion. Each member of the Board shall take the oath prescribed by the constitu-
 15 tion and serve without compensation. Said Board may incur necessary ex-
 16 penses for traveling, clerk hire, stationery, printing and other incidental ex-
 17 penses, and said expenses shall be allowed and paid in the same manner as the
 18 expenses of the Governor's office.

2. REMOVAL OF COMMISSIONERS.] No civil service commissioner shall be
 2 removed except for palpable incompetence or malfeasance in office upon
 3 written charges and after an opportunity to be heard in his own defense.
 4 Such charges may be filed by the Governor before the Board for the Selection
 5 and Appointment of Employment Experts as civil service commissioners who
 6 shall hear and determine the same. The findings and decision of such Board
 7 shall be final, and if such charges shall be sustained, the civil service commis-
 8 sioners so charged shall be forthwith removed from office by said Board,
 9 who shall thereupon proceed to fill the vacancy created by such removal. Said
 10 Board and each member thereof shall have power to administer oaths and shall
 11 have power by subpoena to compel the attendance and testimony of witnesses
 12 and the production of books and papers.

3. CLASSIFICATION.] Said commissioners shall within six months after
 2 this Act goes into effect classify all the offices and places of employment in the
 3 State service, except as provided in Section 11 of this Act, with reference to the

4 duties thereof, for the purpose of establishing grades and for the purpose of
 5 fixing and maintaining standards of examinations hereinafter provided for.
 6 Such classification shall include all offices and places of employment now in
 7 existence or which may hereafter be created in the State service of the State
 8 of Illinois, except those expressly exempted from the operation of this Act in
 9 Section 11 hereof. The officers and places so classified by the Commission
 10 shall constitute the Classified Civil Service of the State; and no appointments
 11 to any of such offices or places shall be made except under and according to the
 12 provisions of this Act and of the rules hereinafter mentioned. The classified
 13 service shall include the position of chief examiner herein provided for and all
 14 officers and employees of the Civil Service Commission except special examiners.

3a. STANDARDIZATION.] The Commission shall ascertain the duties of each
 2 office and place in the classified service and designate by rule the grade of each
 3 position. Each grade shall comprise offices and places having substantially
 4 similar duties. The Commission shall by rule indicate the lines of promotion
 5 from each lower grade to a higher grade wherever the experience derived in
 6 performance of the duties of such lower grade tends to qualify for perform-
 7 ance of duty in such higher grade. The Commission shall by rule prescribe
 8 standards of efficiency for each grade and for examinations of candidates for
 9 appointment thereto.

10 For the purpose of establishing uniformity of pay and title for all of-
 11 fices and places of employment classified in the same grade, it shall be the duty
 12 of the Commission to prescribe by rule the maximum and minimum pay
 13 for each grade and the title thereof and to report to the Governor annually, and
 14 at such other times as he may direct, the name and address of each officer and
 15 employee paid more or less than the pay prescribed for his grade or designated
 16 by a title other than that prescribed for his grade by the Commission.

17 The Commission shall standardize employment in each grade and make
 18 and keep a record of the relative efficiency of each officer and employee in the
 19 classified service. It shall provide by rule methods for ascertaining and veri-

20 *fying the facts from which such records of relative efficiency shall be made,*
 21 *which shall be uniform for each grade of the classified service.*

3b. PERSONS NOW IN STATE SERVICE.] *All persons who on the first day of*
 2 *February, A. D. 1911, held offices or places of employment other than those ex-*
 3 *empted in Section 11 of this Act, shall be classified under the provisions of*
 4 *this Act and shall become members of the Classified State Civil Service without*
 5 *original examination.*

4. RULES.] Said Commission shall make rules to carry out the pur-
 2 poses of this Act, and for examinations, appointments, *transfers* and remov-
 3 als and for maintaining and keeping records of the efficiency of officers and em-
 4 ployees, and groups of officers and employees, in accordance with the provisions
 5 of this Act, and said Commission may from time to time make changes in such
 6 rules.

5. PUBLICATION OF RULES—TIME OF TAKING EFFECT.] All rules made as
 2 herein provided, and all changes therein, shall forthwith be printed for distribu-
 3 tion by the said Commission, and the Commission shall give notice of the place or
 4 places where said rules may be obtained by publication in one or more daily
 5 newspapers published in each of the seven largest cities in the State, according
 6 to the last general census published by the United States, and in each such publi-
 7 cation shall be specified the date, not less than ten days subsequent to the date
 8 of such publication, when said rules shall go into operation. Copies of all said
 9 rules and all changes therein, duly certified by the secretary of the Commission,
 10 shall be filed in the office of the Secretary of State.

6. EXAMINATIONS.] All applicants for offices or places in said clas-
 2 sified service, except those mentioned in Section 11 *hereof*, shall be subjected
 3 to examination, which shall be public, competitive and free to all *persons who*
 4 *may be lawfully appointed to any office or place in the service* of the State of
 5 Illinois, with limitations specified in the rules of the Commission as to resi-
 6 dence, age, sex, health, habits, moral character and *qualifications to perform the*

7 *duties of the office or place to be filled, which qualifications shall be prescribed*
 8 *by rule in advance of such examination.* Such examinations shall be practical in
 9 their character, and shall relate to those matters which will fairly test the relative
 10 capacity of the persons examined to discharge the duties of the positions to which
 11 they seek to be appointed, and may include tests of physical qualifications and
 12 health, and when appropriate, of manual skill. No *question* in any *examina-*
 13 *tion* shall relate to political or religious opinion or affiliations. The Commis-
 14 sion shall control all examinations, and may, whenever an examination is to
 15 take place, designate a suitable number of persons, either in or not in the of-
 16 ficial service of the State, to be examiners; and it shall be the duty of such ex-
 17 aminers, and if in the official service it shall, without extra compensation, be
 18 a part of their official duty to conduct such examination as the Commission
 19 may direct, and to make return or report thereof to said Commission; and the
 20 Commission may at any time substitute any other person, whether or not in
 21 such service, in the place of anyone so selected; and the Commission may
 22 themselves at any time act as such examiners, and without appointing exam-
 23 iners. The examiners at any examination shall not all be members of the same
 24 political party. *The Commission shall, with reference to maintaining eligible*
 25 *registers, proceed by rule to divide the entire service into two divisions; in*
 26 *one of these divisions shall be included all offices and places of employment*
 27 *where to certification is infrequent; in the other shall be included all other of-*
 28 *fices and places. Such rule shall distinctly designate in which division each of-*
 29 *fice or place falls; and as to all offices and places comprised under the first di-*
 30 *vision above mentioned, examinations shall be held only when a vacancy ex-*
 31 *ists, and an eligible list or register, so prepared, shall be in force only until per-*
 32 *manent appointment has been made from such list or register; and as to all*
 33 *other offices and places said Commission shall, by rule, provide for and shall*
 34 *hold a sufficient number of examinations to provide a sufficient number of elig-*
 35 *ibles on the register for each grade of position or places of employment in the*
 36 *classified service, and if any place in the classified service becomes vacant to*
 37 *which there is no person eligible for appointment the Commission shall imme-*

diately hold an examination for such place and repeat the same, if necessary, until a vacancy is filled in accordance with the provisions of this act.

Said Commission may, in its discretion, cancel such portion of such registers as has been in force for more than two years.

9. PROMOTION.] The Commission shall note of record the duties (whether imposed by law, official regulation or practice) of each office or place in the classified service. It shall thereupon by rule fix lines of promotion from such several offices and places to superior offices or places in all cases where, in the judgment of the Commission, the duties of such several positions directly tend to fit the incumbent for a superior position. In case of vacancy in superior offices or places, which cannot be filled by reinstatement, the Commission shall hold promotion examinations to fill such vacancy. Incumbents of offices or places next lower in the line so fixed shall be solely eligible for such examination unless in the judgment of the Commission, to be noted in its minutes with the grounds therefor, it is for the best interests of the service that original examination for such vacancy be held. In promotion examinations, efficiency and seniority in service shall form a part of such examination, but combined shall not carry a total number of marks to exceed one-quarter of the maximum mark attainable in such examination. All examinations for promotion shall be competitive. The method of examination, the rules governing the same, and the method of certifying shall be the same as provided for in original examination.

10. APPOINTMENTS]. Whenever a position classified under this Act is to be filled, the appointing officer shall make requisition upon said Commission, and the Commission shall certify to him the name and address of the candidate standing highest upon the register of eligibles for said position, except that in the case of laborers, when a choice by competition is impracticable, said Commission may provide by its rules that the selection shall be made by lot from among those candidates proved fit by examination. The appointing officer shall notify the Commission of each position to be filled separately and shall fill such position by the appointment of the person certified to him by said

Commission therefor, which appointment shall be on probation for a period not more than three months to be fixed by said rules. At any time during the period of probation, the appointing officer may discharge a person so certified and shall forthwith notify the Commission in writing of such discharge. If such person is not thus discharged, his appointment shall be deemed complete.

When there is no eligible list, the appointing officer may, with the authority of the Commission, make temporary appointments to remain in force only until regular appointments under the provisions of this Act can be made.

In employment of an essentially temporary and transitory nature, the appointing officer may, with the authority of the Commission, make temporary appointments to fill a vacancy, but no such authority shall be granted for a period of more than 30 days, but it may be renewed from time to time by the Commission. The Commission shall include in its annual report, and if thereto required by the Governor, in any special report, a statement of all temporary authorities granted or renewed during the year or period specified by the Governor, together with a statement of the facts in each case because of which such authority was granted.

The acceptance or refusal by an eligible person of a temporary appointment shall not affect his standing on the register for permanent appointment.

10a. TRANSFERS.] The Commission may by its rules provide for transfers of officers and employees in the classified service from positions in one office or department to positions of the same class and grade in another office or department. Transfers which are in the nature of promotions shall be governed by Section 9 of this Act, and transfers which are in the nature of demotions shall be governed by Section 12 of this Act.

11. CLASSIFIED SERVICE — WHAT NOT INCLUDED.] All officers elected by the people; all officers, boards and commissions appointed by the Governor subject to confirmation by the Senate; all officers of the General Assembly or either House thereof; judges and officers appointed by judges of any court, clerks of court, notaries public; persons employed in the military service of the State; all presidents, deans, principals, professors, instructors, scientific

7 *staff and other teachers in the state university or normal schools, and servants*
 8 *at the executive mansion, shall not be included in the classified state service.*

12. [REMOVALS.] *No officer or employee in the classified civil service*
 2 *shall be removed or discharged except for cause, upon written charges, and after*
 3 *an opportunity to be heard in his own defense. Such charges shall be investi-*
 4 *gated by or before said Civil Service Commission, or by or before some officer*
 5 *or board appointed by said Commission to conduct such investigation. The*
 6 *finding and decision of such Commission or of such investigating officer or board,*
 7 *when approved by said Commission, shall be certified to the appointing officer,*
 8 *and shall be forthwith enforced by such officer. Nothing in this Act shall*
 9 *limit the power of any officer to suspend a subordinate, for a reasonable*
 10 *period, not exceeding thirty days. Every such suspension shall be without pay,*
 11 *provided, however, that the Commission shall have authority to investigate*
 12 *every such suspension, and, in case of its disapproval thereof, it shall have*
 13 *power to restore pay to the employee so suspended. In the course of any inves-*
 14 *tigation provided for in this Act each member of the commission, and of any*
 15 *board so appointed by it, and any officer so appointed, shall have the power*
 16 *to administer oaths and shall have power to secure by its subpoena both the*
 17 *attendance and testimony of witnesses, and the production of books and pa-*
 18 *pers. Nothing in this section shall be construed to require such charges in case*
 19 *of laborers or in case of persons having the custody of public money for the*
 20 *safe keeping of which another person has given bonds.*

14. EFFICIENCY—INVESTIGATIONS.] *The Commission shall investigate*
 2 *the efficiency of all officers and employees and of all groups of officers and em-*
 3 *ployees in the classified service and shall report to each officer, board or other*
 4 *authority in charge of any institution, office or department of the state gov-*
 5 *ernment its findings and recommendations relative to increasing efficiency and*
 6 *economy therein. In case the recommendations made by the Commission are*
 7 *not carried into effect within a reasonable time, or in case of a difference of opin-*
 8 *ion with reference to such findings or recommendations between the Commis-*

9 sion and the officer, board or other authority in charge of an institution, office
 10 or department concerned in any such finding or recommendation, the report ac-
 11 companied by a note of the relevant facts shall be transmitted to the Governor
 12 by the Commission. The Commission shall investigate the enforcement of this
 13 Act and of the rules of the Commission, the conduct of the appointees in the
 14 classified service and the methods of administration therein, and may investigate
 15 the nature, tenure and compensation of all offices and places in the civil service
 16 of the State. In the course of such investigation each commissioner shall have
 17 power to administer oaths, and said Commission shall have power to secure by its
 18 subpoena both the attendance and testimony of witnesses and the production of
 19 books and papers.

18a. SALARIES OF SUCCESSORS.] *Civil Service Commissioners hereafter ap-*
 2 *pointed and the chief examiner shall each receive an annual salary of five*
 3 *thousand dollars.*

- 1 Introduced by Mr. Rapp, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Banks and Banking,
when appointed.

A BILL

For an Act to provide for a State Banking Board, to create a Depositors' Guarantee Fund, to provide for the collection and disbursement of the same and to repeal any Acts or parts of Acts inconsistent herewith.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That a State Banking Board shall be
3 hereby created, composed of the Governor, the Auditor of Public Accounts and
4 the State Treasurer of the State of Illinois. Said board shall have the supervis-
5 ion and management of the Depositors' Guarantee Fund, hereinafter provided
6 for, and shall adopt suitable rules and regulations for the collection, management
7 and administration of the same.

Sec. 2. Said State Banking Board shall levy an assessment, against the
2 capital stock, of one per cent, of the banks' daily average deposits, less the de-
3 posits of the United States and State funds, if otherwise secured, for the preced-
4 ing year, upon each and every bank and trust company organized or existing
5 under the laws of this State, for the purpose of creating a Depositors' Guarantee
6 Fund. Said assessment shall be collected upon call of the State Banking Board.

7 In one year from the time the first assessment is levied and annually thereafter,
 8 each bank and trust company shall report to the State Banking Board the
 9 amount of its average daily deposits for the preceding year, and if they are in
 10 excess of the amount on which one per cent was previously paid, said report
 11 shall be accompanied by additional funds to equal one per cent of the daily
 12 average excess of deposits, which shall be added to the Depositors' Guarantee
 13 Fund. If the Depositors' Guarantee Fund is depleted, from any cause, it shall
 14 be the duty of the State Banking Board in order to keep said fund up to one per
 15 cent of the total deposits in all the said banks and trust companies, to levy a
 16 special assessment, to cover such deficiency, upon their capital stock according
 17 to their deposits as reported to the State Banking Board and such special as-
 18 sessment shall become immediately due and payable.

Sec. 3. Banks and trust companies hereafter organized shall pay into the
 2 depositors' guarantee fund three per cent of the amount of their capital stock
 3 when they open for business, which amount shall constitute a credit fund, sub-
 4 ject to adjustment on the basis of its deposits as provided for banks and trust
 5 companies now existing, at the end of the year: *Provided, however,* that said
 6 three per cent assessment shall not be required of new banks and trust com-
 7 panies formed by the reorganization or consolidation of banks and trust com-
 8 panies that have previously complied herewith.

Sec. 4. Any national bank in this State approved by the State Banking
 2 Board may voluntarily avail its depositors of the protection of the depositors'
 3 guarantee fund, by application to the State Banking Board, in writing, and the
 4 said application may be sustained upon terms and conditions in harmony with
 5 this Act, to be determined upon by the State Banking Board: *Provided,* that in
 6 the event national banks shall be required by federal enactment to pay assess-
 7 ments to any depositors' guaranty fund of the federal government, and thereby
 8 the deposits in national banks in the State should be guaranteed by virtue of fed-
 9 eral laws, the national banks having availed themselves of the benefits of this
 10 Act, may withdraw therefrom and have returned to them ninety per cent of the
 11 unused portion of all assessments levied upon and paid by them.

Sec. 4. Any person or copartnership, now or hereafter engaged in receiving
2 deposits of money as a bank, may, subject to the approval of the State Banking
3 Board, voluntarily avail himself or themselves of the benefits of the guarantee
4 provisions of this Act for his or their depositors by applying in writing to the
5 State Banking Board therefor and consenting to become subject to all the laws
6 of the State with reference to the examination by and the supervision of the
7 State over banks engaged in business under the laws of the State and also to
8 become subject to and comply with the provisions of this Act with reference to
9 the payment of the assessment of one per cent on the deposits of such private
10 banking institution. The State Banking Board and the Auditor of Public Ac-
11 counts are hereby authorized to and empowered to do and perform all acts with
12 regard to the levy, collection and disbursement of assessments against said per-
13 son or copartnership so engaged in banking and seeking to avail himself or
14 themselves of the benefits of this Act, that said State Banking Board and Audi-
15 tor of Public Accounts are hereby authorized to do and perform as to banks
16 organized and doing business under the laws of the State.

Sec. 5. Whenever any bank or trust company or private banking institution
2 that may have availed itself or him or themselves of the benefits of the provis-
3 ions of this Act shall voluntarily place itself, himself or themselves, in the hands
4 of the State Auditor of Public Accounts, or, whenever any judgment shall be
5 rendered by a court of competent jurisdiction, adjudging such bank or trust com-
6 pany or private banking institution insolvent, or whenever its rights or fran-
7 chises to conduct a banking business under the laws of the State shall have been
8 adjudged forfeited, or whenever the State Auditor of Public Accounts shall be-
9 come satisfied of the insolvency of any such bank or trust company or private
10 banking institution, he may, after due examination of its affairs, take posses-
11 sion of said bank or trust company or private banking institution and its assets
12 and proceed to wind up its affairs and enforce the personal liability of its stock-
13 holders, officers, directors, owners or copartners.

Sec. 6. In the event that the Auditor of Public Accounts shall take pos-
2 session of any such bank or trust company or private banking institution, the

3 depositors of said bank or trust company or private banking institution, shall
 4 be paid in full and when the cash available or that may be made immediately
 5 available of said bank or trust company or private banking institution is in-
 6 sufficient to discharge its obligations to depositors the said State Banking Board
 7 shall draw from the depositors' Guarantee Fund and from additional assess-
 8 ments, if required, as provided in Section two, the amount necessary to make up
 9 the deficiency and the State shall have for the benefit of the depositors' guaran-
 10 tee fund a first lien upon the assets of said bank or trust company or private
 11 banking institution, and all liabilities against the stockholders, officers and di-
 12 rectors and the owners or copartners of said bank, trust company or private bank-
 13 ing institution and against all other persons, corporations or firms. Such lia-
 14 bilities may be enforced by the State for the benefit of the Depositors' Guar-
 15 antee Fund.

Sec. 7. The Auditor of Public Accounts shall take possession of the books,
 2 records and assets of every description of such bank or trust company or private
 3 banking institution, collect debts, dues and claims belonging to it and, upon or-
 4 der of any court of competent jurisdiction of this State or judge thereof may sell
 5 or compound all bad or doubtful debts and on like order may sell all the real or
 6 personal property of such bank or trust company or private banking institu-
 7 tion upon such terms as the court or judge thereof may direct and may if neces-
 8 sary pay the debts of such bank or trust company or private banking institution
 9 and enforce the liability of the stockholders, officers, directors, owners or co-
 10 partners: *Provided, however,* that bad or doubtful debts, as used in this section,
 11 shall not include the liability of stockholders, officers, directors, owners or co-
 12 partners.

Sec. 8. The State Banking Board shall deliver to each bank, trust company
 2 or private banking institution that has complied with the provisions of this Act,
 3 a certificate stating that said bank or trust company or private banking institu-
 4 tion has complied with the laws of this State for the protection of bank deposit-
 5 ors and that safety to its depositors is guaranteed by the Depositors' Guarantee

6 Fund of the State of Illinois. Said certificate shall be conspicuously displayed
 7 in the place of business of the bank, trust company or private banking institu-
 8 tion for which it was issued and said bank or trust company or private banking
 9 institution may print or engrave upon its stationery and advertising matter
 10 words to the effect that its depositors are protected by the Depositors' Guar-
 11 antee Fund of the State of Illinois. The printing or engraving of a false state-
 12 ment to the fact last before this named is hereby declared to be a felony.

Sec. 9. After the Auditor of Public Accounts shall have taken possession
 2 of any bank or trust company or private banking institution which is subject to
 3 the provisions of this Act the stockholders, owners or copartners thereof may
 4 repair its credit, restore or substitute its reserves and otherwise place it in
 5 condition so that it is qualified to do a general banking business as before it was
 6 taken possession of by the Auditor of Public Accounts; but such bank, trust
 7 company or private banking institution shall not be permitted to reopen its busi-
 8 ness until the State Banking Board, after a careful investigation of its affairs, is
 9 of the opinion that its stockholders have complied with the laws, that the credit
 10 and funds of the bank, trust company or private banking institution are in all
 11 respects repaired, and all advances if any, made from the depositors' guarantee
 12 fund fully repaid, its reserve restored or sufficiently substituted, and that it
 13 should be permitted again to reopen for business; whereupon said Banking
 14 Board is authorized to issue written permission for reopening of said bank, trust
 15 company or private banking institution in the same manner as permission to do
 16 business is granted after the incorporation thereof and thereupon said bank,
 17 trust company or private banking institution may be reopened to do a general
 18 banking business.

Sec. 10. The said Depositors' Guarantee Fund, when collected, shall be left
 2 in the custody of the State Treasurer, who shall give bond for its safe keeping
 3 and shall treat it the same as other State funds. He shall pay the same out on
 4 the order of the State Banking Board.

Sec. 11. All Acts and parts of Acts inconsistent herewith are hereby re-
 2 pealed.

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- 1 Introduced by Mr. Ryan, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections when ap-
pointed.
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A BILL

For an Act to amend Section 2 of Article 7 of an Act entitled “An Act regulating the holding of elections and declaring the result thereof in cities, villages or incorporated towns in this State,” approved June 19, 1885, and as amended by an Act approved and in force April 1, 1897, and as amended by an Act approved May 11, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 2 of Article 7 of an Act entitled “An Act regulating the holding of elections and declaring the result thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, and as amended by an Act approved and in force April 1, 1897, and as amended by an Act approved May 11, 1901, shall be and is hereby amended to read as follows:

8 Sec. 2. *All judges and clerks of election in counties of the second and third*
9 *class under this Act shall be allowed and paid at the rate of eight dollars (\$.800)*
10 *per day.*



- 1 Introduced by Mr. Shanahan (by request), January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation to meet a deficiency in the appropriation to the Board of Commissioners of State Contracts for the purchase of printing paper and stationery.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of forty thousand dollars (\$40,000.00), or so much thereof as shall be necessary, be and the same is hereby appropriated to the Board of Commissioners of State Contracts to supply a deficiency in the appropriation for the purchase of printing paper and stationery until the expiration of the first fiscal quarter after the adjournment of this session of the General Assembly.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrants upon the State Treasurer for the sum herein appropriated, said warrants to be drawn only on itemized bills, signed by said Board of Commissioners of State Contracts, and the State Treasurer is hereby directed to pay said warrants, drawn as aforesaid, out of any funds in the State treasury not otherwise appropriated.

Sec. 3. Whereas, an emergency exists; therefore, this Act shall be in force from and after its passage and approval.



- 1 Introduced by Mr. Shanahan (by request), January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to provide for the ordinary and contingent expenses of the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. <i>Be it enacted by the People of the State of Illinois,</i>	
<i>represented in the General Assembly:</i> That three hundred eight-nine thousand	
nine hundred seventeen dollars (\$389,917.00) per annum, or so much thereof as	
may be necessary, is hereby appropriated to pay the ordinary and contingent	
expenses of the Illinois National Guard and Illinois Naval Reserve:	
Transportation, subsistence, camp pay, officers and men under or-	
ders	\$167,917.00
Horse hire and forage.....	15,000.00
Medical supplies, fuel for camp, coal for steaming Dorothea, naval	
supplies, general expenses, engine room repairs and supplies.....	7,500.00
Inspection of companies at home stations, boards of examiners, sur-	
vey and court martial	6,000.00
Lighting camp, laundering bed sacks and blanklets, telephones, gen-	
eral repairs and incidentals.....	3,500.00

11	Target practice, ammunition, transportation, repairs and general ex-	
	pense on rifle range.....	\$ 37,500.00
12	Civilian employees	10,000.00
13	Horses for drills.....	7,000.00
14	Armory rents, water, light, fuel, janitor service, incidentals neces-	
	sary to maintenance of armories.....	130,000.00
15	Miscellaneous expenditures	5,500.00
		<hr/>
16	Total	\$389,917.00

17 That the further sum of fifty thousand dollars (\$50,000.00) is hereby appro-
18 priated as an emergency fund to be used by the Governor in case of emergency
19 when the Illinois National Guard or Illinois Naval Reserve are called into active
20 duty by the Governor to protect the life and property of the citizens of the
21 State. No portion of said sum shall be expended or paid except upon the express
22 order of Governor.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant for the sum herein specified, upon the presentation of
3 proper vouchers, certified to by the Adjutant General and approved by the Gov-
4 ernor, and the Treasurer shall pay the same out of the money hereby appropri-
5 ated.



1 Adopted April 21, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 16 by striking out in Section 1 the word "Dorothea"

2 and inserting in lieu thereof the word "Dubuque."



- 1 Introduced by Mr. Shanahan (by request), January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to provide for the purchase of pea jackets, dress and service uniforms and other equipment for the Illinois National Guard and Illinois Naval Reserve.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of thirty-nine thousand nine hundred dollars (\$39,900.00), or so much thereof as may be necessary, is hereby appropriated to pay for the manufacture and purchase of pea jackets, dress and service uniforms and other equipment for the Illinois National Guard and Illinois Naval Reserve:

3,000 campaign hats	\$ 5,250.00
3,000 cotton khaki coats	4,830.00
3,000 cotton khaki breeches	4,140.00
3,000 canvas leggings	1,860.00
2,000 ponchos	8,500.00
3,000 olive drab shirts	7,320.00
500 naval reserve white and blue uniforms	5,000.00
300 naval reserve pea jackets	3,000.00
Total	\$39,900.00

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant for the sum herein specified, upon the presentation of
3 proper vouchers, certified to by the Adjutant General and approved by the Gov-
4 ernor, and the Treasurer shall pay the same out of the money hereby appro-
5 priated.



- 1 Introduced by Mr. Shanahan (by request), January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the State Charitable Institutions herein named.

WHEREAS, Section 14 of "An Act to revise the laws relating to charities and making an appropriation to carry out the provisions thereof," approved June 15, 1909, in force July 1, 1909, provides that it is the duty of the Board of Administration with the approval of the Governor, to present the needs of the several institutions under the care of said Board to the Legislature, and it is, under the said act, the further duty of the Fiscal Supervisor, and all other members of the Board of Administration, to present to the Legislature and to the Governor all such information regarding appropriations asked for as may be required, and

WHEREAS, All of the extraordinary appropriations for such institutions shall be made to the Board of Administration, to be apportioned between the institutions, and

WHEREAS, The Board of Administration has presented the needs of the several institutions hereinafter named for the extraordinary appropriations for the two years beginning July 1, 1911, as follows:

ELGIN STATE HOSPITAL.

16	For new plumbing in center group.....	\$ 15,000.00
17	For two cottages for tubercular patients	36,000.00
18	For psychopathic laboratory and morgue	9,000.00
19	For completing two cottages.....	27,000.00
20	For laundry	33,000.00
21	For bakery	16,000.00
22	For electric wiring	15,000.00
23	For water supply	4,000.00
24	For women's acute building.....	25,000.00
25	For employees' cottage	26,000.00
26	For horses	2,000.00
27	For dairy herd	2,000.00
28	For furniture and beds.....	2,000.00
29	For furnishing acute building for men	1,800.00

KANKAKEE STATE HOSPITAL.

30	For farm horses	\$ 3,750.00
31	For dairy herd	3,600.00
32	For new tunnel (center building to boiler room)	1,500.00
33	For steel truss roof for boiler room at main power plant.....	3,000.00
34	For irrigation system	1,600.00
35	For new pump for river water at pumping station	700.00
36	For pipe covering	3,500.00
37	For water tank and tower.....	5,000.00
38	For 500 H. P. boiler.....	10,000.00
39	For converting cottage No. 5 into a nurses' home	25,000.00
40	For lavatories and bathing facilities for cottages Nos. 2 and 6 south	8,000.00
41	For warehouse for tools and mechanics' supplies	10,000.00

JACKSONVILLE STATE HOSPITAL.

42	For painting	3,500.00
43	For crushed rock for driveways.....	3,000.00

44	For rewiring center building.....	\$ 10,000.00
45	For quarters for male employees.....	40,000.00
46	For completing male hospital wing.....	4,500.00
47	For new kitchen and extension of building	35,000.00
48	For new iron beds	1,500.00
49	For enlarging and remodeling bakery	2,000.00
50	For not less than 200 acres of land.....	40,000.00

ANNA STATE HOSPITAL.

51	For new kitchen and bakery.....	67,000.00
52	For infirmary for women.....	65,000.00
53	For employees' quarters	50,000.00
54	For addition to storeroom	5,000.00
55	For water supply and remodeling bakery	85,000.00
56	For electric elevator in hospital.....	3,200.00

WATERTOWN STATE HOSPITAL.

57	For female dormitory	60,000.00
58	For new building at the camp.....	50,000.00
59	For stand pipe and water system.....	9,500.00

PEORIA STATE HOSPITAL.

60	For extraordinary improvements	20,000.00
61	For men's dormitory	50,000.00
62	For men's farm colony	30,000.00
63	For men's garden colony.....	30,000.00
64	For women's farm colony.....	30,000.00
65	For sanitary dairy barn.....	15,000.00
66	For dairy herd	6,000.00
67	For fencing	500.00
68	For farm horses	2,000.00
69	For refurnishing 30 buildings.....	12,000.00
70	For converting hot water system into a steam system.....	50,000.00
71	For water system .....	.....

CHESTER STATE HOSPITAL.

72	For chicken house, hog house, addition to cow barn and implement house	\$ 3,000.00
73	For painting outside of buildings.....	1,000.00

LINCOLN STATE SCHOOL AND COLONY.

79	For tiling dining room floors.....	4,000.00
80	For new hospital for females.....	60,000.00
81	For two silos	2,500.00
82	For installing new scales	1,000.00
83	For Pasteurizing plant	500.00
84	For extending and repairing coal sheds	5,000.00
85	For furniture for new additions at farm	1,800.00
86	For dairy herd	1,200.00
87	For renewing boiler system.....	23,000.00

THE ILLINOIS SCHOOL FOR THE DEAF.

88	For typesetting machine	3,500.00
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THE ILLINOIS SCHOOL FOR THE BLIND.

89	For circulating library for blind.....	\$ 1,000.00
90	For silo and machinery	300.00
91	For new mangle for laundry.....	500.00
92	For new pianos	800.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

93	For new concrete floor in basements.....	1,500.00
94	For extending vault and refrigerator	1,800.00
95	For painting dormitories	1,200.00
96	For working capital—Emergency appropriation	10,500.00
97	For working capital for 1911.....	7,500.00
98	For working capital for 1912.....	7,500.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

99	For improvement of cemetery.....	4,000.00
100	For grading around new cottages.....	5,000.00

101 For special hospital for nervous and feeble soldiers	\$ 60,000.00
102 For new dormitory for hospital attendants	7,000.00
103 For additional land	8,100.00
104 For extending cold storage system to vegetable and storage room.	1,200.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

105 For boilers and enlarging boiler and coal house	3,950.00
106 For hospital building	25,000.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

107 For new laundry and equipment	10,000.00
108 For fire department house	350.00
109 For additional coal bins.....	695.00
110 For repairing roof of administration building	1,500.00
111 For repairing root cellar	300.00
112 For concrete floor	400.00
113 For dairy herd	2,000.00
114 For dairy barn	2,500.00

THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY.

115 For replacing two wooden stairways in old building	3,500.00
116 For sterilizer and connections	1,200.00

THE STATE TRAINING SCHOOL FOR GIRLS.

117 For rewiring main building.....	3,000.00
118 For two cottages	75,000.00
119 For infirmary, hospital and medical work and supplies	10,000.00
120 For boiler and enlarging power plant buildings and other changes.	12,000.00
121 For balance to Chicago & Northwestern Railway Co. on switch track	1,500.00

THE ST. CHARLES SCHOOL FOR BOYS.

122 For dairy herd	3,000.00
123 For sewers and drains	5,000.00
124 For walks	1,500.00
125 For installation of track scales.....	300.00
126 For furniture and carpets	1,500.00

127	For kitchen, bakery, cold storage and equipment of same.....\$	30,000.00
128	For laundry building and equipment	11,000.00
129	For remodeling the farm houses.....	12,000.00
130	For new cottage and furnishing same	27,300.00

SECTION 1. *Now, therefore, be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Board of Administration for the purposes herein stated, for the two years beginning July 1, 1911, and until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, the sum of \$1,538,045.00, to be apportioned between the institutions, as follows:

ELGIN STATE HOSPITAL.

7	For new plumbing in center group.....\$	15,000.00
8	For two cottages for tubercular patients	36,000.00
9	For psychopathic laboratory and morgue	9,000.00
10	For completing two cottages.....	27,000.00
11	For laundry	33,000.00
12	For bakery	16,000.00
13	For electric wiring	15,000.00
14	For water supply	4,000.00
15	For women's acute building.....	25,600.00
16	For employees' cottage.....	26,000.00
17	For horses	2,000.00
18	For dairy herd	2,000.00
19	For furniture and beds	2,000.00
20	For furnishing acute building for men	1,800.00

KANKAKEE STATE HOSPITAL.

21	For farm horses	3,750.00
22	For dairy herd	3,600.00
23	For new tunnel (center building to boiler room)	1,500.00
24	For steel truss roof for boiler room at main power plant	2,000.00
25	For irrigation system	1,600.00

26	For new pump for river water at pumping station.....	\$ 700.00
27	For pipe covering	3,500.00
28	For water tank and tower.....	5,000.00
29	For 500 h. p. boiler.....	10,000.00
30	For converting cottage No. 5 into a nurses' home	25,000.00
31	For lavatories and bathing facilities for cottages Nos.2 and 6 South	8,000.00
32	For warehouse for tools and mechanics' supplies	10,000.00

JACKSONVILLE STATE HOSPITAL.

33	For painting	3,500.00
34	For crushed rock for driveways.....	3,000.00
35	For rewiring center building.....	10,000.00
36	For quarters for male employees.....	40,000.00
37	For completing male hospital wing....	4,500.00
38	For new kitchen and extension of building	35,000.00
39	For new iron beds	1,500.00
40	For enlarging and remodeling bakery.....	2,000.00
41	For not less than 200 acres of land.....	40,000.00

ANNA STATE HOSPITAL.

42	For new kitchen and bakery.....	67,000.00
43	For infirmary for women.....	65,000.00
44	For employees' quarters	50,000.00
45	For addition to storeroom.....	5,000.00
46	For water supply and remodeling bakery	85,000.00
47	For electric elevator in hospital.....	3,200.00

WATERTOWN STATE HOSPITAL.

48	For female dormitory	60,000.00
49	For new building at the camp.....	50,000.00
50	For stand pipe and water system.....	9,500.00

PEORIA STATE HOSPITAL.

51	For extraordinary improvements	20,000.00
52	For men's dormitory	50,000.00

53	For men's farm colony	\$ 30,000.00
54	For men's garden colony.....	30,000.00
55	For women's farm colony.....	30,000.00
56	For sanitary dairy barn.....	15,000.00
57	For dairy herd	6,000.00
58	For fencing	500.00
59	For farm horses	2,000.00
60	For refurnishing 30 buildings	12,000.00
61	For converting hot water system into a steam system	50,000.00
62	For water system .....	.....

CHESTER STATE HOSPITAL.

63	For chicken house, hog house, addition to cow barn and implement house	3,000.00
64	For painting outside of buildings	1,000.00

LINCOLN STATE SCHOOL AND COLONY.

65	For tiling dining room floors.....	4,000.00
66	For new hospital for females.....	60,000.00
67	For two silos	2,500.00
68	For installing new scales.....	1,000.00
69	For Pasteurizing plant	500.00
70	For extending and repairing coal sheds	5,000.00
71	For furniture for new additions at farm	1,800.00
72	For dairy herd	1,200.00
73	For renewing boiler system.....	23,000.00

THE ILLINOIS SCHOOL FOR THE DEAF.

74	For typesetting machine	3,500.00
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THE ILLINOIS SCHOOL FOR THE BLIND.

75	For circulating library for blind.....	1,000.00
76	For silo and machinery.....	300.00
77	For new mangle for laundry.....	500.00
78	For new pianos	800.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

79	For new concrete floor in basements.....	\$ 1,500.00
80	For extending vault and refrigerator	1,800.00
81	For painting dormitories	1,200.00
82	For working capital—Emergency appropriation	10,500.00
83	For working capital for 1911.....	7,500.00
84	For working capital for 1912.....	7,500.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

85	For improvement of cemetery.....	4,000.00
86	For grading around new cottages.....	5,000.00
87	For special hospital for nervous and feeble soldiers	60,000.00
88	For new dormitory for hospital attendants	7,000.00
89	For additional land	8,100.00
90	For extending cold storage system to vegetable and storage room..	1,200.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

91	For boilers and enlarging boiler and coal house	3,950.00
92	For hospital building	25,000.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

93	For new laundry and equipment.....	10,000.00
94	For fire department house.....	350.00
95	For additional coal bins.....	695.00
96	For repairing roof of administration building	1,500.00
97	For repairing root cellar.....	300.00
98	For concrete floor	400.00
99	For dairy herd	2,000.00
100	For dairy barn	2,500.00

THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY.

101	For replacing two wooden stairways in old building	3,500.00
102	For sterilizer and connections	1,200.00

THE STATE TRAINING SCHOOL FOR GIRLS.

103	For rewiring main building.....	3,000.00
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104 For two cottages	\$ 75,000.00
105 For infirmary, hospital and medical work and supplies	10,000.00
106 For boiler and enlarging power plant buildings and other changes.	12,000.00
107 For balance to Chicago & Northwestern Railway Co. on switch track	1,500.00

THE ST. CHARLES SCHOOL FOR BOYS.

108 For dairy herd	3,000.00
109 For sewers and drains	5,000.00
110 For walks	1,500.00
111 For installation of track scales.....	300.00
112 For furniture and carpets.....	1,500.00
113 For kitchen, bakery, cold storage and equipment of same.....	30,000.00
114 For laundry building and equipment	11,000.00
115 For remodeling the farm houses.....	12,000.00
116 For new cottage and furnishing same	27,300.00

Total\$1,538,045.00

Sec. 2. All moneys appropriated shall be due and payable to the Board of

2 Administration, or to its order, only on the terms and in the manner provided in

3 "An Act to revise the laws relating to charities and making an appropriation

4 to carry out the provisions thereof," approved June 15, 1909, as amended Feb-

5 ruary 26, 1910.



- 1 Introduced by Mr. Shanahan (by request), January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the ordinary and other expenses of the State
Charitable Institutions herein named.

1 WHEREAS, Section 14 of "An Act to revise the laws relating to charities
2 and making an appropriation to carry out the provisions thereof," approved
3 June 15, 1909, in force July 1, 1909, provides that it is the duty of the Board of
4 Administration, with the approval of the Governor, to present the needs of the
5 several institutions under the care of said Board to the Legislature, and it is,
6 under said Act, the further duty of the Fiscal Supervisor and all other members
7 of the Board of Administration, to present to the Legislature and to the Gover-
8 nor all such information regarding appropriations asked for as may be required,
9 and

10 WHEREAS, All the ordinary or maintenance appropriations for such institu-
11 tions shall be made to the Board of Administration to be used for the several in-
12 stitutions according to their varying needs, and,

13 WHEREAS, The Board of Administration has presented the needs of the sev-
14 eral institutions hereinafter named for the ordinary or maintenance appropria-
15 tions for the two years beginning July 1, 1911, as follows:

ELGIN STATE HOSPITAL.

		For	For
		First Year.	Second Year.
16	For ordinary operating expenses.....	\$ 242,016.00	\$ 264,816.00
17	For ordinary repairs and improvements	35,000.00	35,000.00
18	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

KANKAKEE STATE HOSPITAL.

19	For ordinary operating expenses	445,868.00	454,018.00
20	For ordinary repairs and improve ments	64,000.00	64,000.00
21	For ordinary care and improvement of grounds ...	2,500.00	2,500.00

PSYCHOPATHIC INSTITUTE, KANKAKEE.

22	For ordinary operating expenses.....	11,800.00	11,800.00
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JACKSONVILLE STATE HOSPITAL.

23	For ordinary operating expenses.....	251,755.00	266,855.00
24	For ordinary repairs and improvements	25,000.00	25,000.00
25	For ordinary care and improvement of grounds ...	1,500.00	1,500.00

ANNA STATE HOSPITAL.

26	For ordinary operating expenses.....	243,680.00	249,480.00
27	For ordinary repairs and improvements	25,000.00	25,000.00
28	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

WATERTOWN STATE HOSPITAL.

29	For ordinary operating expenses.....	202,603.00	209,553.00
30	For ordinary repairs and improvements	17,000.00	17,000.00
31	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

PEORIA STATE HOSPITAL.

32	For ordinary operating expenses.....	340,042.00	371,642.00
33	For ordinary repairs and improvements	20,000.00	20,000.00
34	For ordinary care and improvement of grounds ...	5,000.00	5,000.00

CHESTER STATE HOSPITAL.

35	For ordinary operating expenses.....	40,999.00	43,819.00
36	For ordinary repairs and improvements	3,200.00	3,200.00
37	For ordinary care and improvement of grounds ...	500.00	500.00

LINCOLN STATE SCHOOL AND COLONY.

38	For ordinary operating expenses.....	\$ 238,344.00	\$ 255,644.00
39	For ordinary repairs and improvements	30,000.00	30,000.00
40	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

THE ILLINOIS SCHOOL FOR THE DEAF.

41	For ordinary operating expenses.....	128,562.00	134,622.00
42	For ordinary repairs and improvements	6,000.00	6,000.00
43	For ordinary care and improvement of grounds ...	1,000.00	1,000.00

THE ILLINOIS SCHOOL FOR THE BLIND.

44	For ordinary operating expenses.....	59,700.00	59,700.00
45	For ordinary repairs and improvements	3,500.00	3,500.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

46	For ordinary operating expenses.....	29,782.00	29,782.00
47	For ordinary repairs and improvements	1,000.00	1,000.00
48	For ordinary care and improvement of grounds ...	100.00	100.00
49	For ordinary repairs and improvement of factory..	2,500.00	2,500.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

50	For ordinary operating expenses.....	238,904.00	230,404.00
51	For ordinary repairs and improvements	18,000.00	18,000.00
52	For ordinary care and improvement of grounds ...	3,400.00	3,400.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

53	For ordinary operating expenses.....	23,111.00	30,211.00
54	For ordinary repairs and improvements	2,250.00	2,250.00
55	For ordinary care and improvement of grounds ...	800.00	800.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

56	For ordinary operating expenses.....	75,451.00	75,451.00
57	For ordinary repairs and improvements	4,000.00	4,000.00
58	For ordinary care and improvement of grounds ...	600.00	600.00

THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY.

59	For ordinary operating expenses.....	50,786.00	50,786.00
60	For ordinary repairs and improvements	4,500.00	4,500.00

THE STATE TRAINING SCHOOL FOR GIRLS.

61	For ordinary operating expenses.....	\$ 106,527.00	\$ 124,827.00
62	For ordinary repairs and improvements.	11,000.00	11,000.00
63	For ordinary care and improvement of grounds ...	2,500.00	2,500.00

THE ST. CHARLES SCHOOL FOR BOYS.

64	For ordinary operating expenses.....	128,304.00	147,504.00
65	For ordinary repairs and improvements	5,000.00	5,000.00
66	For ordinary care and improvement of grounds ...	1,500.00	1,500.00
67	Totals	\$3,162,584.00	\$3,315,264.00

SECTION 1. *Now, therefore, be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be and is hereby appropriated to the Board of Administration for the purpose of defraying the ordinary expenses of the State Institutions named in this Act, for the two years beginning July 1, 1911, and until the expiration of the first fiscal quarter after the adjournment of the next General Assembly, the sum of \$6,477,848.00, as follows:

ELGIN STATE HOSPITAL.

	For Year Beginning July 1, 1911.	For Year Beginning July 1, 1912.
8	For ordinary operating expenses.....	\$ 242,016.00
9	For ordinary repairs and improvements	35,000.00
10	For ordinary care and improvement of grounds ...	2,000.00

KANKAKEE STATE HOSPITAL.

11	For ordinary operating expenses.....	445,868.00
12	For ordinary repairs and improvements.	64,000.00
13	For ordinary care and improvement of grounds ...	2,500.00

PSYCHOPATHIC INSTITUTE, KANKAKEE.

14	For ordinary operating expenses.....	11,800.00
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JACKSONVILLE STATE HOSPITAL.

15	For ordinary operating expenses.....	251,755.00
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16	For ordinary repairs and improvements.	\$ 25,000.00	\$ 25,000.00
17	For ordinary care and improvement of grounds ...	1,500.00	1,500.00

ANNA STATE HOSPITAL.

18	For ordinary operating expenses.....	243,680.00	249,480.00
19	For ordinary repairs and improvements.	25,000.00	25,000.00
20	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

WATERTOWN STATE HOSPITAL.

21	For ordinary operating expenses.....	202,603.00	209,553.00
22	For ordinary repairs and improvements.	17,000.00	17,000.00
23	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

PEORIA STATE HOSPITAL.

24	For ordinary operating expenses.....	340,042.00	371,642.00
25	For ordinary repairs and improvements.	20,000.00	20,000.00
26	For ordinary care and improvement of grounds ...	5,000.00	5,000.00

CHESTER STATE HOSPITAL.

27	For ordinary operating expenses.....	40,999.00	43,819.00
28	For ordinary repairs and improvements.	3,200.00	3,200.00
29	For ordinary care and improvement of grounds ...	500.00	500.00

LINCOLN STATE SCHOOL AND COLONY.

30	For ordinary operating expenses.....	238,344.00	255,644.00
31	For ordinary repairs and improvements.	30,000.00	30,000.00
32	For ordinary care and improvement of grounds ...	2,000.00	2,000.00

THE ILLINOIS SCHOOL FOR THE DEAF.

33	For ordinary operating expenses.....	128,562.00	134,622.00
34	For ordinary repairs and improvements.	6,000.00	6,000.00
35	For ordinary care and improvement of grounds ...	1,000.00	1,000.00

THE ILLINOIS SCHOOL FOR THE BLIND.

36	For ordinary operating expenses.....	59,700.00	59,700.00
37	For ordinary repairs and improvements.	3,500.00	3,500.00

THE ILLINOIS INDUSTRIAL HOME FOR THE BLIND.

38	For ordinary operating expenses.....	29,782.00	29,782.00
39	For ordinary repairs and improvements	1,000.00	1,000.00

40	For ordinary care and improvement of grounds ...	\$ 100.00	\$ 100.00
41	For ordinary repairs and improvement of factory..	2,500.00	2,500.00

THE ILLINOIS SOLDIERS' AND SAILORS' HOME.

42	For ordinary operating expenses.....	238,904.00	230,404.00
43	For ordinary repairs and improvements.	18,000.00	18,000.00
44	For ordinary care and improvement of grounds ...	3,400.00	3,400.00

THE SOLDIERS' WIDOWS' HOME OF ILLINOIS.

45	For ordinary operating expenses.....	23,111.00	30,211.00
46	For ordinary repairs and improvements.	2,250.00	2,250.00
47	For ordinary care and improvement of grounds ...	800.00	800.00

THE ILLINOIS SOLDIERS' ORPHANS' HOME.

48	For ordinary operating expenses.....	75,451.00	75,451.00
49	For ordinary repairs and improvements.	4,000.00	4,000.00
50	For ordinary care and improvement of grounds ...	600.00	600.00

THE ILLINOIS CHARITABLE EYE AND EAR INFIRMARY.

51	For ordinary operating expenses.....	50,786.00	50,786.00
52	For ordinary repairs and improvements	4,500.00	4,500.00

THE STATE TRAINING SCHOOL FOR GIRLS.

53	For ordinary operating expenses.....	106,527.00	124,827.00
54	For ordinary repairs and improvements.	11,000.00	11,000.00
55	For ordinary care and improvement of grounds ...	2,500.00	2,500.00

THE ST. CHARLES SCHOOL FOR BOYS.

56	For ordinary operating expenses.....	128,304.00	147,504.00
57	For ordinary repairs and improvements	5,000.00	5,000.00
58	For ordinary care and improvement of grounds ...	1,500.00	1,500.00

59	Totals	\$3,162,584.00	\$3,315,264.00
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Sec. 2. There are also hereby appropriated to the Board of Administration
2 for the ordinary expenses of the institutions named in this Act, moneys collected
3 by managing officers of institutions from various sources, such as the sale of
4 manufactured articles, of farm products, collections from counties and individ-

5 uals for clothing and incidental expenses, and of all other sources, which collec-
6 tions shall be transmitted monthly to the State treasury. All of said moneys,
7 from whatsoever source when so transmitted to the State treasury, shall be and
8 remain a special fund vested in and payable to the Board of Administration for
9 the use of the several institutions herein named, according to their varying needs,
10 and shall not become a part of the general revenue fund of the State in the keep-
11 ing of the State Treasurer, such moneys to be drawn, however, only on the war-
12 rant issued by the State Auditor on itemized vouchers in like manner as other ap-
13 propriations for said institutions are drawn.

Sec. 3. All moneys appropriated shall be due and payable to the Board of
2 Administration, or to its order, only on the terms and in the manner provided
3 in an "Act to revise the laws relating to charities and to make an appropriation
4 for carrying out the provisions thereof," approved June 15, 1909, as amended
5 February 26, 1910.



- 1 Introduced by Mr. Shurtleff, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation providing for the balance of the salary of the late Robert W. Wright, deceased, late Circuit Judge of the Seventeenth Judicial Circuit in the State of Illinois.

WHEREAS, Robert W. Wright, of the city of Belvidere, Boone County, Illinois, departed this life on or about the 29th day of November, A. D. 1910, and at the time of his decease was a Circuit Judge, elected and qualified, in the Seventeenth Judicial Circuit, in the State of Illinois.

AND WHEREAS, The salary of the said Robert W. Wright, as Circuit Judge, at the time of his decease, had been drawn to the 30th day of September, A. D. 1910, only; therefore:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of twelve hundred and fifty (\$1250.00) dollars is hereby appropriated, payable to the order of Ida B. Wright, executrix of the last will and testament of Robert W. Wright, deceased, late of the County of Boone and State of Illinois, and at the time of his decease one of the Circuit Judges of the Seventeenth Judicial Circuit in the State of

7 Illinois, as quarterly salary as Circuit Judge for the said Robert W. Wright,
8 deceased, from September 30, 1910, to December 31, 1910.

Sec. 2. The Auditor of Public Accounts is hereby authorized and em-
2 powered to issue his warrant for the said sum of twelve hundred and fifty
3 (\$1250.00)dollars, payable to the order of Ida B. Wright, executrix, as afore-
4 said, of the said Robert W. Wright, deceased, payable out of any moneys in the
5 State treasury not otherwise appropriated.

Sec. 3. Whereas, an emergency exists, therefore this Act shall be in force
2 from and after its passage and approval.



Adopted February 1, 1911.

AMENDMENT No. 1.

Amend House Bill No. 20 by striking out all before the enacting clause and inserting the following:

“ A BILL

For an Act to make an appropriation providing for the balance of the salary of the late Robert W. Wright, deceased, Circuit Judge of the Seventeenth Judicial Circuit in the State of Illinois, and appropriating salary to the estate of said Robert W. Wright up to the 31st day of March, 1911.

“WHEREAS, Robert W. Wright, of the city of Belvidere, Boone County, Illinois, departed this life on or about the 29th day of November, A. D. 1910, and at the time of his decease was a Circuit Judge, elected and qualified in the Seventeenth Judicial Circuit, in the State of Illinois; and,

“WHEREAS, the salary of the said Robert W. Wright, as Circuit Judge, at the time of his decease, had been drawn to the 30th day of September, A. D. 1910, only; and,

8 “WHEREAS, a special election has been called to fill the vacancy of Circuit
9 Judge in the Seventeenth Judicial Circuit of said state, caused by the death of
10 the said Robert W. Wright, upon the 4th day of April, A. D. 1911, and said
11 office will remain vacant until the date of said election; now, therefore,

SECTION 1.”

AMENDMENT No. 2.

Strike out all after the enacting clause of House Bill No. 20, and in lieu
2 thereof insert the following:

3 “That the sum of twenty-five hundred (\$2,500.00) dollars be and is hereby
4 appropriated for the payment of the salary of the said Robert W. Wright, de-
5 ceased, from the 30th day of September, A. D. 1910, up to the time of his death
6 and until the 31st day of March, A. D. 1911, and that the same be paid to Ida B.
7 Wright, executrix, or to the administrator or executor of the estate of said
8 Robert W. Wright, deceased, and that the Auditor shall draw his warrant on
9 the State Treasurer, in favor of the said Ida B. Wright, executrix, or the admin-
10 istrator or executor of the estate of said Robert W. Wright, deceased, out of
11 any moneys in the state treasury heretofore appropriated for that purpose and
12 and hereby appropriated.”



- 1 Introduced by Mr. Shurtleff, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game, when
appointed.

A BILL

For an Act in relation to the killing or trapping of fur-bearing animals.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That it shall be unlawful to kill or trap,
3 for profit or gain, any fur-bearing animal, from the 15th day of April to the 15th
4 day of November of each and every year.

Sec. 2. It shall be unlawful for any person to molest, spear in or cut open
2 muskrat houses or shoot muskrats at any time of the year.

Sec. 3. Any person or persons who shall violate any provisions of this Act
2 shall be liable to prosecution before any court of competent jurisdiction, upon
3 complaint or information, and shall, upon conviction, be fined for each offense
4 not less than ten dollars nor more than twenty-five dollars.

Sec. 4. One-half of all fines collected under this Act shall be paid to the
2 complainant and one-half to the county school fund.

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- 1 Introduced by Mr. Shurtleff, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fish and Game,
when appointed.
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A BILL

For An Act to regulate the catching of whitefish, trout, herring, chubs, long jaws, black fins, and perch in all the waters under the jurisdiction of the State of Illinois, fixing the amount of resident and non-resident licenses, defining non-residents under this Act, providing penalties for the violation of the provisions hereof and repealing all acts and parts of acts contravening the provisions of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* No person or corporation shall fish for, take or catch, by any means whatever any whitefish or trout in any of the waters under the jurisdiction of the State of Illinois, from and including the first day of November to and including the first day of December in each year: *Provided, however,* that when on the first day of November any person or corporation shall have nets in said waters, which, owing to stress of weather, such person or corporation shall be unable to raise and bring in on such day, three days of grace thereafter shall be allowed for the purpose of raising and bringing in such nets and the fish caught therein.

Sec. 2. No person or corporation shall set for the catching of white fish
2 or trout in any of the waters under the jurisdiction of the State of Illinois, at
3 any time, any net smaller than and four and one-half inch mesh gill net.

Sec. 3. It shall be unlawful to set any net of a mesh between two and one-
2 half ($2\frac{1}{2}$) inches and four and one-half ($4\frac{1}{2}$) inches in any of the waters under
3 the jurisdiction of the State of Illinois for any purpose whatever at any time,
4 and no person shall fish for, take or catch by any means whatever any chubs, long
5 jaws or black fins in any of the waters under the jurisdiction of the State of
6 Illinois at any time other than with a two and one-half ($2\frac{1}{2}$) inch mesh gill net.

Sec. 4. That it shall be lawful for any person or corporation to take and
2 place upon the market any and all dead trout caught in a two and one-half ($2\frac{1}{2}$)
3 inch mesh gill net, set in proper waters, during the open season, for chubs, long
4 jaws or black fins, but no white fish of less than one and one-half ($1\frac{1}{2}$) pounds.

Sec. 5. It shall be lawful for any person or corporation to fish for, take or
2 catch, herring, perch and other rough fish with a two and one-fourth ($2\frac{1}{4}$) inch
3 mesh gill net, at within three miles of the shore line, in any of the waters under
4 the jurisdiction of the State of Illinois.

Sec. 6. A pound net may be set wherever a gill net is provided for, if the
2 crib or pot be four-inch extension measure as manufactured, and the crib or
3 pot of a two and one-half inch mesh net as manufactured may be used for the
4 purpose of catching herring, perch and other rough fish.

Sec. 7. No person shall be permitted to use or operate a steam, gasoline
2 or sail boat for fishing in or upon the waters mentioned in the first section of
3 this act without first obtaining a license so to do from the City Clerk or County
4 Clerk of any City or County bordering upon such waters, which clerks are hereby
5 authorized to issue such licenses. The fee for such licenses, to be paid to such
6 clerk in advance, shall be as follows: For each steam tug twenty-five (\$25) dollars;
7 for each gasoline boat or launch fifteen (\$15) dollars; for each sail boat five (\$5)
8 dollars; provided that non-residents of this State shall pay for such licenses the

9 following fees: For each steam tug or steam launch two hundred (\$200) dol-
 10 lars; for each gasoline boat or launch one hundred (\$100) dollars; for each sail
 11 boat, fifty (\$50) dollars, *provided, further*, that for the purpose of this Act, any
 12 firm, company, corporation, co-partnership, partnership association in which less
 13 than fifty-one (51) per cent of their stock is actually owned by residents of this
 14 State shall be considered non-residents, and each City or County Clerk issuing
 15 any license shall be entitled to a fee of twenty-five cents for each license so is-
 16 sued by him, in addition to the fees provided to be paid by the party applying
 17 for such license.

Sec. 8. Upon the payment of the fees provided for in this Act, the State
 2 Fish Commissioner shall have prepared and shall issue to such persons, firms
 3 or corporations entitled to the same, a printed or written license signed by him
 4 setting forth the date on which it will expire, the date of issuing the same and
 5 the kind of boat for which said license was issued and to whom issued.

Sec. 9. All boat licenses shall expire on the first day of June following their
 2 issue. The State Fish Commissioner shall keep a record of all applications
 3 and licenses.

Sec. 10. On the first day of June of each year, the State Fish Commis-
 2 sioner shall pay over to the State Treasurer all moneys received by him under
 3 the provisions of this Act and said moneys shall be credited to the State Fish
 4 Commissioner's fund and be disbursed in accordance with the law for the en-
 5 forcements of the Statutes regulating and protecting the Commercial Fishing
 6 interests of this State.

Sec. 11. Any person, persons, firm, company, co-partnership, partnership,
 2 association or corporation violating any of the provisions of this Act shall be
 3 deemed guilty of a misdemeanor and upon conviction thereof, before any
 4 Justice of the Peace having jurisdiction shall be punished by a fine of not less
 5 than twenty-five (\$25) dollars, nor more than one hundred (\$100) and costs of
 6 prosecution, or imprisonment in the County Jail for a period sixty days, or by

7 both such fine and imprisonment in the discretion of the Court; *provided, how-*
8 *ever*, each violation shall be deemed a separate and distinct offense.

Sec. 12. That an Act entitled "An Act to regulate the catching of white
2 fish, trout, herring, chubs, long jaws, black fins, perch and other rough fish in
3 the waters of Lake Michigan under the jurisdiction of the State of Illinois," ap-
4 proved May 17, 1907, in force July 1, 1907; and an Act entitled "An Act to
5 Amend an Act entitled 'An Act to regulate the catching of white fish, trout,
6 herring, chubs, long jaws, black fins, perch and other rough fish in the waters
7 of Lake Michigan under the jurisdiction of the State of Illinois, approved May
8 17, 1907, by adding thereto two new sections, 8a and section 8b," together with all
9 other acts and parts of acts contravening the provisions of this act are hereby ex-
10 pressly repealed.



- 1 Introduced by Mr. Terrill, January 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the construction and equipment of a woman's building for the Western Illinois State Normal School at Macomb,

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be, and is hereby appropri-
3 ated the sum of one hundred and twenty-five thousand dollars, or so much there-
4 of as may be necessary, to the Western Illinois State Normal School for the con-
5 struction and equipment of a woman's building.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrant or warrants on the State Treasurer for the foregoing amount, upon the
3 order of the board of trustees, signed by its president, attested by its secretary,
4 and with the corporate seal of the institution attached.



1 Introduced by Mr. Terrill, January 17, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when ap-
pointed.

A BILL

For an Act to define and punish the rescue of or the aiding to escape of a ward of the
State from certain State institutions named therein.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That every person who shall be an in-
3 mate of any of the State Charitable institutions be, and the same is hereby de-
4 clared to be a ward and in the custody of the State.

Sec. 2. Whoever rescues or removes or attempts to rescue or remove any
2 such ward from any such institution, or from the care or custody of any officer,
3 agent, or employee of such institutions not having lawful authority to take said
4 ward, shall be confined in the penitentiary not less than one year or fined not ex-
5 ceeding one thousand dollars (\$1,000.00), or both, in the discretion of the court.

Sec. 3. Whoever aids, abets or assists any such ward of the State in escap-
2 ing or attempting to escape from any State charitable institution, or from the
3 care or custody of any officer, agent, or employee of such institutions shall be con-

4 fined in the penitentiary not less than one year or fined not exceeding one thou-
5 sand dollars (\$1,000.00), or both, in the discretion of the court.

Sec. 4. Any officer, agent, or employee of any State charitable institution
2 who shall omit or neglect or refuse to do or perform any act or duty in the course
3 of his or her employment, the omission of which enables, assists in, aids or abets
4 the escape of any ward of the State shall be confined in the county jail not ex-
5 ceeding six (6) months or fined not exceeding five hundred dollars (\$500.00), or
6 both, and shall be forthwith removed from his office or position. .



- 1 Introduced by Mr. G. H. Wilson, Jan. 17, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to build an Armory in the City of Quincy.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That eighty thousand dollars, or so much
3 thereof as may be necessary, is hereby appropriated to pay for the erection of
4 an armory for the use of the several military organizations of the Illinois Na-
5 tional Guard and the Illinois Naval Reserve located in the city of Quincy, Adams
6 county, Illinois: *Provided, however,* that there shall be deeded to the State of
7 Illinois suitable grounds upon which to erect said armory; the site to be ap-
8 proved by the Governor and the Adjutant General.

Sec. 2. The Auditor of Public Accounts is authorized to draw his warrants
2 for the sum herein specified upon the presentation of the proper vouchers cer-
3 tified to by the Adjutant General and approved by the Governor, and the
4 Treasurer shall pay the same out of the money hereby appropriated.



- 1 Introduced by Mr. Chipperfield (by request), Jan. 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to amend Section 40 of an Act entitled, "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; as amended by an Act approved March 28, 1874, in force July 1, 1874; as amended by an Act approved and in force May 17, 1877, as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 40 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874, in force July 1, 1874; as amended by an Act approved and in force May 17, 1877, as amended by an Act approved May 24, 1907, in force July 1, 1907, be and the same is hereby amended so as to read as follows:

9 Sec. 40. For taking and certifying acknowledgment of a deed, mortgage,
10 power of attorney or other writing, twenty-five cents. For acknowledgment of

11 chattel mortgage, thirty-five cents, and fifteen cents for each folio over one hun-
 12 dred words for docketing the same. For administering oath to affidavit, when
 13 drawn by justice, thirty-five cents. For administering oath to affidavit, when not
 14 drawn by justice, ten cents. For taking each bond, *fifty cents*. For taking bail,
 15 fifty cents. For each certificate required to be made, when not part of any other
 16 Act, thirty-five cents. For taking each complaint in writing, under oath, thirty-
 17 five cents. For docketing each suit, twenty-five cents. For taking deposition,
 18 for each one hundred words, fifteen cents. For issuing dedimus to take deposi-
 19 tions of witnesses, fifty cents. For entering verdict of jury, fifteen cents. For
 20 entering judgments, twenty-five cents. For issuing each execution, twenty-five
 21 cents. *For each copy of execution, twenty-five cents*. For entering each appeal,
 22 twenty-five cents. For entering satisfaction of judgment, ten cents. For enter-
 23 ing the award of referees, *fifty cents*. For administering oaths and trial,
 24 making all entries in cases of estrays, and making and transmitting a certificate
 25 thereof to the county clerk, one dollar. For each marriage ceremony performed
 26 and certificate thereof, two dollars. For each mittimus, thirty-five cents. For
 27 giving each notice, twenty-five cents. For administering oaths, five cents. For
 28 each summons or warrant, twenty-five cents. *For each copy of summons, where*
 29 *service is required to be made by copy, twenty-five cents*. For each subpoena,
 30 twenty-five cents. For each venire in all cases, twenty-five cents. For each scire
 31 facias, thirty-five cents. For issuing each attachment or writ of possession, fifty
 32 cents. For taking recognizances, and returning the same, fifty cents. *For each*
 33 *waiver of jury in writing, twenty-five cents*. For transcript in change of venue,
 34 fifty cents. For transcript of judgment and proceedings in cases of appeal, fifty
 35 cents. For transcript of judgment to obtain lien on real estate, one dollar *and*
 36 *fifty cents*. For the trial of all contested cases, in counties of the first, second
 37 and third class, a per diem of two dollars, except in cases of judgment by con-
 38 fession or default. In all counties of the first, second and third class the fees of
 39 the justices of the peace, police magistrates, constables, jurors and witnesses in
 40 criminal cases, shall be the same as those allowed for similar services in civil
 41 cases, and in all criminal cases where the fees cannot be collected of the party

42 convicted, or where the prosecution fails, the county board *shall* direct that the
43 cost of the prosecution, or so much thereof as shall seem just and equitable, shall
44 be paid out of the county treasury: *Provided*, that the costs in criminal and
45 quasi criminal prosecutions for the violation of an ordinance of an incorporated
46 city or town, where the provisions of the charters of such towns or cities do not
47 prohibit the payment of such costs, may be paid by such city or town, in the dis-
48 cretion of the city council or board of trustees of such incorporated cities or
49 towns.

AMENDMENT TO

47th G. A.

HOUSE BILL No. 26

1911

1 Adopted May 9, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 26 by striking out the word "shall" on page three
2 (3), line forty-two (42), and inserting the word "may".



- 1 Introduced by Mr. Dudgeon, January 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Section 3 of an Act entitled, "*An Act to provide for the visitation of children in family homes,*" approved May 13, 1905, in force July 1, 1905, as amended by an Act approved May 25, 1907, in force July 1st, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 3 of an Act entitled "*An*
3 *Act to provide for the visitation of children placed in family homes,*" approved
4 May 13, 1905, in force July 1, 1905, as amended by an Act approved May 25,
5 1907, in force July 1, 1907, be and the same is hereby amended so as to read as
6 follows:

7 Sec. 3. It shall be the duty of the State Board of Public Charities to ap-
8 point a state agent who shall receive a salary of \$2,500.00 per annum, in addi-
9 tion to his actual and necessary traveling expenses incurred in the performance
10 of his official duties; and to appoint such number of visitors, not exceeding four,
11 and pay such compensation for such visitors as shall be approved by the Gov-
12 ernor, such compensation to be paid in addition to the actual and necessary trav-

13 eling expenses incurred in by said visitors in performance of their official du-
14 ties. These visitors shall be discreet men and women selected with special view
15 to their wisdom and fitness for visiting children and shall be appointed by civil
16 service procedure and shall be subject to the provisions of the State civil ser-
17 vice law. The State Board of Charities is also hereby authorized and empowered
18 to appoint such other employees as are necessary to perform the clerical work
19 and other office work of the State agent and to pay said employees from the
20 incidental expense appropriation made for the department for the visitation
21 of children.



1 Adopted April 21, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 27 by striking out of line 8, Section 3, of the printed bill, the figures “\$2,500.00” and inserting in lieu thereof the figures “\$2,000.00”.



1 Introduced by Mr. Hagan, January 18, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Sections one (1), two (2) and three (3) of An Act entitled,
“An Act to secure the enforcement of the law for prevention of cruelty to ani-
mals,” approved May 25, 1877, in force July 1, 1877; as amended by Act ap-
proved June 30, 1885, in force July 1, 1885; and as amended by Act approved
May 11, 1905, in force July 1, 1905; and to add another section to said Act to be
known as Section 5 thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections one (1), two (2) and three
3 (3) of “An Act to secure the enforcement of the law for prevention of cruelty
4 to animals,” approved May 25, 1877, in force July 1, 1877; as amended by Act
5 approved June 30, 1885, in force July 1, 1885; and as amended by Act ap-
6 proved May 11, 1905, in force July 1, 1905, be and the same is hereby amended,
7 and that said Act be, and it is hereby further amended, by adding thereto an
8 additional section, to be known as section five (5), which said sections one (1),
9 two (2) and three (3), as amended, and said section five (5) shall read as
10 follows:

11 Sec. 1. That it is hereby made th duty of the Governor to appoint, by and
12 with the consent of the Senate, three officers for the town of Lake, Cook
13 County; two officers for East St. Louis, St. Clair County, and one officer for
14 the city of Peoria, Peoria County, whose term of office shall be two years, res-
15 pectively, or until a successor to such officer shall be appointed and qualified;
16 and the duty of each officer so appointed shall be to cause the enforcement of
17 the law for the prevention of cruelty to animals. Two of the said officers so
18 to be appointed for the town of Lake, Cook County, shall be graduate veteri-
19 narians.

20 Sec. 2. The salary of said veterinarians shall be not exceeding fifteen
21 hundred dollars (\$1,500) each per annum, and the salary of said other officers
22 shall be not exceeding twelve hundred dollars (\$1,200) each per annum, payable
23 quarterly from any money in the treasury not otherwise appropriated.

24 Sec. 3. Said officers shall make full reports of their proceedings monthly
25 to the Governor; and a copy of such reports shall be furnished to any society
26 organized under the laws of this State for the prevention of cruelty to animals,
27 on application therefor.

28 Sec. 5. Said veterinary officers shall have the power and authority to hu-
29 manely kill any animal intended for slaughter which is suffering from such
30 serious injuries that it would be cruel to permit it longer to remain alive. Such
31 veterinary officer shall attach to each animal so killed by him a tag, stating the
32 day and hour when and the place where it was killed, which statement shall be
33 signed by such veterinary officer.



- 1 Introduced by Mr. McParland, January 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when appointed.

A BILL

For an Act to amend the law relating to the liability of employers for injuries to their employees.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* (1) Where, after the commencement of
3 this Act, personal injury is caused to any employee, by reason of the negligence
4 of his employer, or any other person in the service of such employer, the em-
5 ployee, or in case of death, his representatives, shall have the same right to com-
6 pensation, and remedies against such employer, as if the employee had not been
7 an employee of, nor in the service of such employer, nor engaged in his work:
8 *Provided, however,* that the fact that such employee may have been guilty of con-
9 tributory negligence shall not bar a recovery in any action hereafter brought to
10 recover such compensation, but the damages may be diminished by the jury in
11 proportion to the amount of negligence attributable to such employee: *And,*
12 *provided, further,* that no such employee shall be held in such action to have been
13 guilty of contributory negligence in any case, where the violation of the employer
14 of any statute enacted for the safety of employees, contributed to his injury.

15 (2) An employee shall not be deemed to have assumed any risk incident to
 16 his employment by reason only of his having entered upon, or continued in, the
 17 employment, after he knew of the risk, and shall in no event be held to have
 18 assumed any risk arising by reason of the negligence of his employer, or of any
 19 person in the service of such employer.

20 (3) All questions of negligence and contributory negligence and assumption
 21 of risk shall be for the jury.

Sec. 2. (1) A contract whereby an employee relinquishes any right to com-
 2 pensation to himself or his representatives, for personal injury caused to such
 3 employee by reason of the negligence of his employer or of any person in the
 4 service of his employer, shall not, if made before the accrual of the right, consti-
 5 tute a defense to any action brought for the recovery of such compensation.

6 (2) Where the employer has contributed to an insurance or fund providing
 7 any benefit for an employee or his representatives in case of injury or death, in
 8 any action brought against such employer for negligence in causing such injury
 9 or death, the jury in assessing the amount of compensation payable, shall treat
 10 as a payment on account of the employer's liability so much of any money which
 11 has or will be paid to the employee or his representatives out of the insurance or
 12 fund, as in the opinion of the jury is attributable to the employer's contribution,
 13 but the agreement to accept, or acceptance of such benefit in whole or in part by
 14 such employee, or his representatives, shall not constitute a defense to such ac-
 15 tion.

Sec. 3. In this Act—

2 (1) The term "employee" includes every person who has entered into em-
 3 ployment to give service, or who works under contract or agreement of service or
 4 apprenticeship, with an employer.

5 (2) The term "employer" includes individuals, partnerships, and bodies
 6 of persons corporate or incorporate, and shall be construed as including the rep-
 7 resentatives or receivers of deceased, defunct or insolvent employers.

8 (3) The term "representatives" means legal representatives and shall be
9 construed as including the persons entitled to compensation in case of death of
10 any employee.

Sec. 4. Nothing in this Act shall prejudicially affect any right or remedy to
2 which an employee is entitled independently of this Act.

Sec. 5. This Act shall be in force from and after its passage and shall apply
2 to all contracts of employment thereafter made and entered into.

EXPLANATION OF ABOVE BILL.

This Employers' Liability Bill expands the existing remedy when negligence causes an accident; it removes certain defenses of employers which frequently prevents success in a suit even when the employer can be proved negligent.

CLAUSE 1. (1) Abolishes the defense known as the fellow servant rule, and makes the employer responsible to the person injured for the negligence of every one of his employees (instead of being responsible for only certain negligent acts of certain of his employees as at present).

The first proviso prevents contributory negligence of the injured from barring a recovery, and makes it merely diminish the amount of damages recoverable.

The next proviso prevents contributory negligence of the injured having any effect at all in cases where an employee has violated a safety statute.

CLAUSE 1. (2) Deals with the assumption of risk defense, and prevents the courts from holding as a matter of law "that through taking an employment or through knowledge of the danger, the employee agreed to assume a risk" (the jury will have to decide whether as a fact the injured did so agree). It specifically prevents the defense being used at all by the employer where the employer or his employees have been negligent.

CLAUSE 1. (3) Makes questions of negligence, contributory negligence and assumption of risk entirely questions to be decided by the jury.

CLAUSE II. (1) Prevents an employee from being held to have by contract before his accident happened, waived his rights to sue.

CLAUSE II. (2) Prevents acceptance of, or agreements to accept insurance benefits from being used as a defense to a suit.

CLAUSES III, IV, V. Are merely formal definitions and declaratory provisions.



- 1 Introduced by Mr. Morris, Jan.*18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed. *

A BILL

For an Act relating to the liability of employers for injuries to their employees.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* That where, after the commencement of
3 this Act, personal injury is caused to any employee, by reason of the negligence
4 of his employer, or of any other person in the service of such employer, the
5 employee, or in case of death, his representatives, shall have the same rights to
6 compensation and remedies against such employer as if the employee had not
7 been an employee of, nor in the service of such employer, nor engaged in his
8 work: *Provided, however,* that the fact that such employee may have been
9 guilty of contributory negligence shall not bar a recovery in any action here-
10 after brought to recover such compensation, but the damages may be diminished
11 by the jury in proportion to the amount of negligence attributable to such em-
12 ployee: *And provided, further,* that no such employee shall be held in such ac-
13 tion to have been guilty of contributory negligence in any case where the viola-
14 tion of the employer of any statute enacted for the safety of employees contrib-
15 uted to his injury.

Sec. 2. An employee shall not be deemed to have assumed any risk incident to his employment by reason only of his having entered upon, or continued in, the employment after he knew of the risk, and shall in no event be held to have assumed any risk arising by reason of the negligence of his employer or of any person in the service of such employer.

Sec. 3. All questions of negligence and contributory negligence and assumption of risk shall be for the jury.

Sec. 4. A contract whereby an employee relinquishes any right to compensation to himself or his representatives for personal injury caused to such employee by reason of the negligence of his employer or of any person in the service of his employer shall not, if made before the accrual of the right, constitute a defense to any action brought for the recovery of such compensation.

Sec. 5. Where an employer has contributed to an insurance or fund providing any benefit for an employee or his representatives in cases of injury or death, in any action brought against such employer for negligence in causing such injury or death, the jury in assessing the amount of compensation payable shall treat as a payment on account of the employer's liability so much of any money which has been or will be paid to the employee or his representatives out of the insurance or fund as in the opinion of the jury is attributable to the employer's contribution, but the agreement to accept, or acceptance of such benefit in whole or in part by such employee or his representatives, shall not constitute a defense to such action.

Sec. 6. In this Act:

a. The term "employee" includes every person who has entered into employment to give service, or who works under a contract or agreement of service or apprenticeship with an employer.

b. The term "employer" includes individuals, partnerships, and bodies of persons corporate or incorporate, and shall be construed as including the representatives or receivers of deceased, defunct or insolvent employers.

8 c. The term “representatives” means legal representatives and shall be
9 construed as including the persons entitled to compensation in case of death of
10 any employee.

Sec. 7. Nothing in this Act shall prejudicially affect any right or remedy
2 to which an employee is entitled independently of this Act.



- 1 Introduced by Mr. Morris, Jan. 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Mines and Mining,
when appointed.

A BILL

For an Act to amend Section 2 of an Act to amend an Act entitled, "An Act providing that operators of mines shall furnish shot firers in mines where shooting and blasting is done," approved May 18, 1905, in force July 1, 1905; as amended by an Act approved May 20, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 2 of an Act entitled, "An
3 Act to amend an Act entitled An Act providing that operators of mines shall fur-
4 nish shot firers in mines where shooting and blasting is done," approved May
5 18, 1905, in force July 1, 1905; as amended by Act approved May 20, 1907, in
6 force July 1, 1907, be and the same is hereby amended to read as follows:

7 Sec. 2. In all mines in this State where coal is blasted with powder or
8 other explosives, a sufficient number of practical, experienced men, to be desig-
9 nated as shot firers, shall be employed by the company, and at its expense,
10 whose duty it shall be to inspect and do all the firing of all blasts, prepared in a
11 practical, workmanlike manner in said mine or mines.



1 Introduced by Mr. Reid, Jan. 18, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act providing for convict labor upon public highways.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* That the commissioners of the respective
3 penitentiaries of this State be and they are hereby empowered and directed to
4 furnish convicts from their penitentiaries for labor upon the public highways of
5 this State, outside the limits of incorporated villages and cities, upon the request
6 of the body having authority over such public highways of any county or sub-
7 division thereof; and such commissioners are hereby empowered and directed to
8 make all necessary rules and regulations governing the furnishing of such labor
9 upon public highways, and the custody, conduct and discipline of such convicts
10 while so employed; and that such rules and regulations shall provide allow-
11 ances of good time in addition to those now in force for good conduct by con-
12 victs while laboring upon the public highways in the case of persons serving a
13 term of imprisonment other than for life, and giving better food for good con-
14 duct while so employed to those serving life sentences; providing that no con-

15 viet shall be required to work upon the public highways for a longer time than
16 to make the total number of hours in labor more than eight in any one day.

17 That the sum of ten thousand dollars (\$10,000.00) is hereby appropriated
18 out of moneys not otherwise appropriated in the public treasury for the purchase
19 of wagons, horses, tools and such other equipment as may be necessary in the
20 furnishing of such labor and to defray the expenses incidental thereto.

AMENDMENT TO

47th G. A.

HOUSE BILL No. 32

1911



1 Adopted May 1, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 32, as printed, by striking out lines 17, 18, 19 and 20

2 of Section 1.



- 1 Introduced by Mr. Scanlan, Jan. 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Revenue, when appointed.

A BILL

For an Act to amend Section Sixty-three (63) of an Act entitled, "An Act for the assessment of property, and for the levy and collection of taxes," approved March 30, 1872, in force July 1, 1872, as amended by Act approved May 31, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section Sixty-three (63) of an Act
3 entitled, "An Act for the assessment of property, and for the levy and collec-
4 tion of taxes," approved March 30, 1872, in force July 1, 1872; as amended by
5 Act approved May 31, 1879, in force July 1, 1879, be and the same is hereby
6 amended so as to read as follows:

7 Sec. 63. If the owner of any such tract or lot shall refuse or neglect to
8 cause such survey to be made within thirty (30) days after having been notified
9 by the *county treasurer*, by publication of a notice in a newspaper in the county,
10 having general circulation, at least three times, said *county treasurer* shall cause
11 such survey to be made and recorded; and the expenses of the publication of the
12 notice and making such survey shall be paid on demand to the person to whom
13 it is due.

- 1 Introduced by Mr. G. H. Wilson (by request), Jan. 18, 1911.
- 2 Read by title, ordered printed and referred to Committee on Corporations, when
appointed.

A BILL

For an Act defining and regulating express companies operating within the State of Illinois, declaring them to be common carriers and placing them under the jurisdiction and control of the Illinois Railroad and Warehouse Commission; applying also to other common carriers, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That each and every person or persons,
3 firms, organizations or corporations, lessees or agents, engaged in transporting
4 merchandise, property, parcels, packages, money and other commodities and
5 things between points wholly within the State of Illinois, and known as or en-
6 gaged in the business of express companies or carriers by express, shall be
7 deemed and are hereby declared to be common carriers and as such shall, from
8 and after the passage of this Act, be placed within the jurisdiction and under
9 the supervision and control of the Illinois Railroad and Warehouse Commission
10 in the same manner as provided by existing statutes governing railroads oper-
11 ating wholly within the State of Illinois, and as provided in this Act.

Sec. 2. The Railroad and Warehouse Commission of the State of Illinois (hereinafter called the Commission) shall have power to prescribe, promulgate and establish reasonable and just rates or schedules of maximum charges for each kind of property, money, parcels, merchandise, packages and other commodities and things to be charged for and received by express companies, or either of them, either separately or conjointly, on all such property, money, parcels, merchandise, packages, and other commodities and things which, by the contract of carriage, is to be transported separately or conjointly by such express companies or carriers by express, doing business over the line of any railroad or other carrier between points wholly within the State of Illinois, which rates or charges may be made to apply to all such express companies or express carriers, and may be changed or modified by said Commission from time to time in such manner and effect as may become necessary; also to prescribe a form of receipt for each shipment, also a form of receipt for moneys paid for charges for the transportation of any article or thing, to be given upon receipt, or upon the payment of such charges; and the said Commission shall have the same power to make and prescribe maximum rates and charges, classifications, rules and regulations for the government and control of such express companies or carriers by express as is now or may hereafter be conferred upon said Commission by law for the regulation of railroads. Said Commission may also, after hearing, on a complaint or upon its own initiative without complaint, establish through routes and joint rates and classifications, also a division of such rates, to apply as the maximum to or upon shipments over two or more lines or express companies, or carriers by express between points wholly within the State of Illinois.

Sec. 3. It shall be the duty of each and every person or persons, firms, organizations or corporations engaged in transporting property, money, parcels, merchandise, packages, commodities or things between points wholly within the State of Illinois and known as or engaged in the business of express companies, to print in clear and legible type the schedules of rates for the transportation of such property, money, parcels, and other commodities and things from

7 any point to another point on its own line, or when in connection with any
8 other express company to any point wholly within the State of Illinois when a
9 joint rate has been established, and naming all such points in such schedule, and
10 shall post and keep displayed in each office or place of business of such express
11 company, within convenient access and for the inspection and use of the public
12 during customary business hours, such printed schedules of rates and charges
13 and any amendments thereto, and shall in like manner post and display any
14 special rules or regulations, also the classification applying which may be pro-
15 mulgated by them or by said Commission, for the information of shippers; and
16 shall quote rates, in writing when requested, and be responsible for the correct-
17 ness of same: *Provided, however,* that no change in any schedule of rates or
18 charges, or classification shall become effective until they have been filed with
19 the Commission, and until after five days shall have elapsed between the dates
20 of filing and the time when such rates are to become effective if the rates are
21 to be reduced, and thirty days if the rates are to be advanced: *Provided,* the
22 Commission may, in its discretion and for good cause shown, allow changes
23 upon less than the notice herein specified: *And provided, further,* the Commis-
24 sion may, upon its own motion, suspend the taking effect of any such schedule
25 or classification, pending inquiry as to its correctness or the reasonableness of
26 the rates contained in it. And it shall be unlawful for any common carrier to
27 charge, demand, collect or receive a greater or less or different compensation
28 for such transportation of property or for any service rendered in connection
29 therewith, between points named in its schedules or tariffs filed and
30 in effect at the time or as may be promulgated, amended or changed
31 by the Commission, nor shall such common carrier refund or remit
32 in any manner or by any device any portion of the rate or charge
33 so specified, nor extend to any shipper, person or persons, firms
34 or corporations any privileges or facility in receiving, storing, hand-
35 ling or forwarding of property, or otherwise, not granted to another except
36 as may be specified in such schedules or tariffs. Any common carrier, any officer,
37 representative or agent of a carrier who knowingly violates the provisions of the

38 foregoing paragraph shall forfeit to the State of Illinois the sum of five hundred
39 dollars for each offense. Every distinct violation shall be a separate offense.
40 The forfeitures herein imposed shall be recovered by the Commission in the man-
41 ner provided by law.

Sec. 4. Each and every person or persons, firms, organization or corpora-
2 tion engaged in the business of transporting or carrying property, money, par-
3 cels, merchandise, packages and other commodities and things, wholly within
4 the State of Illinois and known as express companies or carriers by express,
5 shall file with the Commission certified copies of all contracts or agreements
6 now existing or hereafter entered into by or between themselves and any other
7 express company, or with any railroad company operating within the State of
8 Illinois, and shall also file with said Commission printed copies of all schedules
9 and charges, tariffs, classifications, rules and regulations, together with any
10 changes or amendments thereto that may be made or promulgated from time to
11 time, also all changes in said schedules, tariffs, classifications, regulations and
12 rules as prescribed in Section 3 of this Act.

13 And it shall be the duty of the Commission and it shall have power to take
14 cognizance of all said contracts, agreements, schedules, tariffs, rates, classifica-
15 tions, rules and regulations and in the event of anything found contained in
16 them or either of them deemed injurious to or inconsistent with the public wel-
17 fare or which may work to the detriment of the public, communities or individu-
18 als, the Commission may cause the same to be immediately inquired into, either
19 upon complaint or upon its own motion and initiative without complaint, as may
20 be deemed proper by said Commission, and it may suspend for a period of four
21 months, pending inquiry, the taking effect of any such classification, schedule of
22 rates, charges, tariffs, agreements, rules or regulations. The express company or
23 common carrier affected shall be forthwith notified and a full hearing of the cause
24 had promptly, as in other proceedings before the Commission, and all carriers
25 or others interested may be made parties. If the Commission is of the opinion
26 after such hearing and investigation that the schedules of rates, charges, tariffs,
27 agreements or classification as filed or published, or the privileges, facilities and

28 regulations published in connection therewith are unjust or unreasonable or
29 otherwise discriminatory or prejudicial, or in violation of law, it shall deter-
30 mine what is and will be reasonable and just and shall prescribe the same,
31 and shall order the carrier or carriers to file and publish on or before a certain
32 day, to take effect on a certain day, schedules of charges, classification, tariffs,
33 rules or regulations in accordance with its findings and decision of the Commis-
34 sion. And any carrier, any officer, representative or agent of a common carrier,
35 or any receiver, trustee, lessee or agent of either of them who knowingly fails or
36 neglects to obey any order made under the provisions of this section of the Act
37 shall forfeit to the State of Illinois the sum of one thousand dollars for each and
38 every offense, which shall be recoverable in a civil suit in the name of the State
39 of Illinois in any court of competent jurisdiction, and said Commission shall
40 have authority to prosecute such suit under the direction of the Attorney Gen-
41 eral of the State of Illinois. Every distinct violation shall be a separate of-
42 fense, and in case of a continuing violation, each day shall be deemed a separate
43 offense.

Sec. 5. Any shipper, shippers or other commercial organization or asso-
2 ciation, or any person, firm or corporation located within the State of Illinois
3 may file complaint with said Commission against any common carrier, wherein
4 it may be claimed they are being charged unjustly for the transportation of
5 property or other commodities or things, in such manner and form as the Com-
6 mission may prescribe. And it shall be the duty of the Commission to take cog-
7 nizance of such complaints and to proceed with a hearing, after due notification
8 to the common carrier or carriers so complained of, in such manner as it may
9 prescribed by its rules or practice.

10 At such hearing or hearings before the Commission, copies of contracts,
11 agreements, tariffs, schedules of charges, rules and regulations and classifications
12 that may have been filed with the Commission by such common carrier or car-
13 riers, or either of them, shall be considered *prima facie* what they purport to
14 be in evidence or matters that may pertain to them or either of them. And the
15 Commission is empowered to enforce its orders and decisions in the manner pro-

16 vided by law, subject, however, to the right of appeal by either party to a court
17 of competent jurisdiction, the decision of the Commission to prevail pending
18 such appeal and decision by the court unless enjoined or set aside by the
19 court.

Sec. 6. Each and every express company or carrier by express as herein
2 defined, doing business within the State of Illinois, shall at all convenient times
3 during business hours accept and receive for prompt shipment to points on its
4 own line, or to points on the lines of other express companies operating within
5 the State of Illinois, or for points beyond the limits of said State, all property,
6 parcels, money, merchandise, packages, and other commodities and things
7 which may be offered to it or them or either of them for transportation by ex-
8 press by the public: *Provided*, that the payment of charges may be demanded
9 and received in advance of such forwarding or transportation, not in excess of
10 the rates of charges shown in the tariffs or schedules and classification herein
11 provided for in this Act, and if the destination is to points beyond the State
12 of Illinois, at a rate not in excess of that which is prescribed and adopted by
13 said express company and its connections and shown by its printed tariff or
14 schedule of rates: *Provided, however*, that no article which may be declared
15 under such schedules, tariffs, rules or regulations or classification as being of
16 excess bulk or weight, or a menace to the health or the safety of the public, or
17 otherwise prohibited by law, shall be required to be accepted by any such ex-
18 press companies.

19 Any express company or other common carrier refusing to transport goods
20 as above provided, taking the same in the order presented, shall be liable to
21 the party injured for damages sustained by reason of its refusal and shall also
22 be liable to a penalty of not less than five nor more than five hundred dollars
23 for each offense, with costs of suit and attorney's fees added, to be recovered in
24 each case by the owner of the goods, in any court having jurisdiction in the
25 county where the wrong is done, or where the common carrier resides or has its
26 agent. And each case of refusal shall be construed as a separate offense under
27 this Act.

Sec. 7. Any express company or common carrier as defined in this Act,
2 doing business in the State of Illinois, which shall charge, demand, collect or
3 receive a greater compensation than that which may be prescribed and in effect
4 by its schedules of rates and charges, tariffs and classification, or as may be pre-
5 scribed by said Commission, for the transportation of any kind or class of prop-
6 erty as described in this Act, shall be deemed guilty of extortion and shall forfeit
7 and pay to the State of Illinois a sum not to exceed five hundred dollars for each
8 offense: *Provided*, that if it shall appear that such violation was not wilful,
9 said company or carrier shall have ten days within which to refund such over-
10 charge or damage to the injured party, and if such refund is made the penalty
11 shall not be incurred. And said Commission shall have power and authority
12 and it shall be its duty to sue for and recover the same in the same manner as
13 may be provided by law in like suits against railroad companies.

Sec. 8. Upon demand of a shipper each receiving or forwarding express
2 company or common carrier by express shall be required to furnish a receipt or
3 other evidence in writing, in such form as may be prescribed by or approved of
4 by said Commission, stating the quantity, character, order and condition of
5 goods or articles tendered for shipment, and such goods, articles or commodi-
6 ties shall be delivered in the same manner provided for by common law, in like or-
7 der and condition to the consignee, the unavoidable wear and tear and deteriora-
8 tion in due course of transportation only excepted, and in case such common car-
9 rier shall fail or neglect to deliver goods as above required, they shall be liable to
10 the party injured for his damages, as at common law; and said express compan-
11 ies shall in like manner furnish, upon demand, a receipt for the charges
12 paid upon any shipment, in such form as may be prescribed or approved of
13 by said Commission, and in case of their neglect or refusal to execute and de-
14 liver a bill of lading, receipt or other memoranda in writing as herein required,
15 they shall be liable to a penalty of not less than five nor more than five hundred
16 dollars, with costs of suit and attorney's fees, recoverable in any court of compe-
17 tent jurisdiction. And any and all common carriers doing business in the
18 State of Illinois, are hereby prohibited from including in any such bill of lading

19 or receipt for shipments to be made, any restriction or evasion of the common
20 law liability of such carrier.

Sec. 9. The said commission shall have authority to call upon such ex-
2 press companies or carriers by express, for reports, and to investigate their
3 books in the same manner as may be provided by law for the regulation of rail-
4 road companies, and the said Commission shall have power and authority to in-
5 stitute suits, sue out writs and processes as may be applicable and authorized by
6 law for the regulation of railroad companies. All laws, rules and regulations
7 made and prescribed for the government of railroads, in so far as they are or
8 may be applicable, shall be of equal force against all express companies, or car-
9 riers by express in this State.

Sec. 10. That in case any common carrier subject to the provisions of this
2 Act shall do, cause to be done, or permit to be done any act, matter, or thing
3 in this Act prohibited or declared to be unlawful, or shall omit to do any act,
4 matter or thing in this Act required to be done, such common carrier shall be
5 liable to the person or persons injured thereby for the full amount of damages
6 sustained in consequence of any such violation of the provisions of this Act, to-
7 gether with a reasonable counsel or attorney's fee, to be fixed by the court in
8 every case of recovery, which attorney's fee shall be taxed and collected as part
9 of the costs in the case.

Sec. 11. All Acts or parts thereof in conflict with this Act are hereby re-
2 pealed.



- 1 Introduced by Mr. Alschuler, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Railroads, when
appointed.

A BILL

For an Act to regulate the elevation of tracks of Railroad Corporations at grade
crossings in Cities and Villages.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* Whenever it shall come to the knowledge
3 of the Board of Railroad and Warehouse Commissioners, by complaint or other-
4 wise, that any street in any incorporated city or village of this State crossing any
5 track of any Railroad Corporation, incorporated or doing business under any
6 general or special law of this State, at a grade, and said crossing is dangerous
7 to life and property, it shall be the duty of such Commissioners to investigate,
8 or cause an investigation to be made, of the condition of such grade crossing or
9 crossings, and whenever in the opinion of the Commissioners, after such inves-
10 tigation, they shall deem it necessary to change the grade of such track or
11 tracks by elevating the same of such Railroad Corporation, said Commission-
12 ers shall give notice in writing to the Corporation of such recommendation.
13 And said Board, after concluding their investigation, shall within ninety (90)
14 days thereafter, give such Corporation or person or persons owning or operating

15 said Railroad a notice in writing, fixing the time or place for a full hearing on
16 the subject of investigation and recommendation, and said Board shall, after
17 giving such Corporation or person or persons operating such Corporations and
18 such other persons as may be interested in such investigation and recommenda-
19 tion, an opportunity for a full hearing thereon. If such Corporation or per-
20 son or persons shall not fully satisfy said Board that no action shall be re-
21 quired to be taken by it or them, said Board shall fix a time within one (1)
22 year within which such Corporation shall comply with the recommendation of
23 said Commissioners. It shall be the duty of such Corporation, person or per-
24 sons owning or operating said Railroad to comply with such recommendation of
25 said Board and the Circuit Court in any Circuit, in which said Railroad may be
26 in part situated, may have power in such cases of such recommendation by said
27 Board, to compel compliance therewith by mandamus. If any such Corporation
28 or person or persons owning or operating any such Railroad shall, after such
29 hearing, neglect or refuse to comply with the recommendation or recommenda-
30 tions of said Board said Board shall report such neglect or refusal, together
31 with the facts in such case as said Board shall find the facts to be, to the Attor-
32 ney General of the State of Illinois, who shall thereupon take such action as
33 may be necessary to secure compliance with such recommendation of said
34 Board. In all cases or proceedings brought by the Attorney General to compel
35 compliance of the recommendations of the Board, the findings of the Board
36 shall be prima facie evidence of the facts therein stated, and the recommenda-
37 tions of the Board shall be deemed prima facie, just and reasonable. Nothing
38 herein contained shall impair the legal liability of any Railroad Company for
39 the consequence of its acts. And all existing remedies therefore are hereby
40 saved to the people and to individuals.



- 1 Introduced by Mr. ApMadoc (by request), January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corpora-
tions, when appointed.

A BILL

For an Act to provide for the setting apart, formation, administration and disbursement of a Police Pension Fund by certain Boards of Park Commissioners.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That whenever any persons have been
3 or may be appointed or otherwise selected as commissioners or officers and con-
4 stitute a Board of Park Commissioners for any three or more towns, under and
5 in pursuance of any Act or Acts of the General Assembly of this State, which
6 is or have been or may be submitted to the legal voters of such three or more
7 towns and by them, respectively, adopted for the purpose of locating, establish
8 ing, enclosing, improving or maintaining any public park, boulevard, driveway,
9 highway or other public work or improvement, and such Board of Park Com-
10 missioners shall have established a police force or department of police under
11 the employ of such Board of Park Commissioners, there shall be set apart the
12 following moneys to constitute a police pension fund:

- 13 1. One per cent per month, which shall be paid by or deducted from the sal-

14 any of each and every member of such police department, provided, no such mem-
 15 ber shall be compelled to pay more than one (\$1.00) dollar a month from his
 16 salary.

17 2. One per cent per month, which shall be paid by or deducted from the
 18 pension of each and every police pensioner.

19 3. All moneys received from fines imposed upon members of such police de-
 20 partment for violation of the rules and regulations of such police department.

21 4. All rewards given or paid to members of such police department, except
 22 such as shall be excepted by the chief officer of such police department.

23 5. All costs, fines and penalties collected for violations of any of the or-
 24 dinances of such Board of Park Commissioners or of the motor vehicle law of
 25 the State of Illinois as now in force, and within the territory under the control
 26 of such Board of Park Commissioners, in all cases in which arrests for violation
 27 of such law shall be made by officers of such police department.

Sec. 2. A Board, composed of five members, residents of such three or
 2 more towns, to be chosen as hereinafter provided, shall be and constitute a Board
 3 of Trustees to provide for the handling and disbursement of said fund or
 4 funds and designate the beneficiaries thereof, as herein directed,—which Board
 5 shall be known as the Board of Trustees of the Police Pension Fund of the
 6 Park Board of Commissioners of such three or more towns. Three shall be ap-
 7 pointed by the President of the Board of Park Commissioners of such three or
 8 more towns. One of said members shall serve for a period of one year, begin-
 9 ning on the third Tuesday in July, 1911; one of said members shall serve for a
 10 period of two years, beginning on the third Tuesday in July, 1911; the third
 11 member shall serve for a period of three years, beginning on the third Tuesday
 12 in July, 1911; the successors of any of the foregoing trustees shall serve for a
 13 period of three years each, or until such time as their successors are appointed
 14 and qualified. The said three members of said Board shall be residents of such
 15 towns and shall not hold, during their term of membership on such Board, any
 16 appointive or elective political offices or positions. The remaining two mem-
 17 bers of said Board shall be chosen, one from the active police force of such police

18 department, and one from the body of pensioners under this Act, who shall have
19 been members of such police department: *Provided*, that if there be no such pen-
20 sioners, then said remaining two trustees shall be chosen from the active police
21 force of such police department.

22 The members to be chosen from the active police force shall be elected by
23 ballot at an annual election, at which election all members of the active police
24 force shall be entitled to vote. The members to be chosen from the body of pen-
25 sioners under this Act shall be elected by ballot at an annual election, at which
26 election all retired members of the police force who are pensioners under this
27 Act, and the widows of all deceased pensioners, who are pensioners under this
28 Act, shall be entitled to vote. In the event there shall be no widow surviving,
29 then the guardian of any children of such deceased pensioners, where such chil-
30 dren are also pensioners, may cast the vote to which such widow would have
31 been entitled had she survived.

32 The election in this section provided for shall be held annually on the third
33 Tuesday in July, under the Australian ballot system; at such place or places in
34 such towns and under such regulations as shall be prescribed by the three ap-
35 pointive members of said Board: *Provided, however*, that no person entitled to
36 vote under the provisions of this section shall cast more than one vote at any
37 such election.

38 The members to be elected from the active police force and from the body
39 of pensioners shall each serve for a period of one year, or until their successors
40 are elected and qualified.

41 In the event of the death, resignation or inability to act of any member of
42 said Board elected under the provisions of this section, a successor of such mem-
43 ber shall be elected at a special election, which shall be called by said Board with-
44 in thirty days after such vacancy, and shall be conducted in the same manner as
45 are the annual elections hereunder.

46 Suitable rooms for offices and meetings of such Board shall be assigned
47 and provided by the Park Board of Commissioners of such three or more towns.

Sec. 3. Whenever any person, at the time of the taking effect of this Act
 2 or thereafter, shall have been duly appointed and have served for a period of
 3 twenty years or more upon the regularly constituted police force of such Park
 4 Board of Commissioners for such three or more towns, subject to the provisions
 5 of this Act, or where the combined years of service of any person upon the po-
 6 lice force of such Park Board of Commissioners shall aggregate twenty years or
 7 more, said Board shall order and direct that such person, after becoming fifty
 8 years of age and his service on such police force shall have ceased, shall be paid
 9 a yearly pension equal to one-half the amount of salary attached to the rank
 10 which he may have held on said police force for one year immediately prior to
 11 the time of such retirement: *Provided, however,* the maximum of said pension
 12 shall not exceed the sum of nine hundred (\$900.00) dollars, and the minimum
 13 shall not be less than six hundred (\$600.00) dollars per annum; and after the
 14 death of such person pensioned by virtue of this Act or any Acts amendatory
 15 thereof, the widow or the child or children under sixteen years of age of any
 16 such pensioner, shall thereafter be paid the pension herein provided for such
 17 husband or father; but nothing herein contained shall warrant the payment
 18 of any annuity to any such widow after she shall have remarried.

Sec. 4. Whenever any person, while serving as a policeman under the
 2 employment of any such Park Board of Commissioners, shall become physically
 3 disabled, said Board shall, upon his written request, or without such request if
 4 it deem it for the good of said police force, retire such person from active
 5 service and order and direct that he be paid from said fund a yearly pension not
 6 exceeding one-half the amount of the salary attached to the rank which he may
 7 have held on said police force at the time of his retirement: *Provided,* that
 8 the maximum sum of such pension shall not exceed the sum of nine hundred
 9 (\$900.00) dollars per year, and the minimum not less than six hundred (\$600.00)
 10 dollars per year: *Provided, further,* that whenever such disability shall cease,
 11 such pension shall cease.

Sec. 5. No person shall be retired as provided in the next preceding sec-
 2 tion, or receive any benefit from such fund, unless there shall be filed with said

3 Board certificates of his disability, which certificates shall be subscribed and
4 sworn to by said person and by the police sergeant, if there be one, and by two
5 practicing physicians of such three or more towns, and such Board may require
6 other evidence of disability before ordering such retirement and payment as
7 aforesaid.

Sec. 6. Whenever any member of the police force of such Board of Com-
2 missioners shall lose his life while in the performance of his duty, or receive
3 injuries from which he shall thereafter die, leaving a widow, or child or chil-
4 dren under the age of sixteen years, then, upon satisfactory proof of such facts
5 made to it, such Board shall order and direct that a yearly pension of one-half
6 the salary received by said member, not to exceed nine hundred (\$900.00) dol-
7 lars, and the minimum not less than six hundred (\$600.00) dollars per year
8 shall be paid to such widow, during her life, or if there be no widow, then to
9 such child or children until they shall be sixteen years of age: *Provided*, if
10 such widow, child or children shall marry, then such person so marrying shall
11 thereafter receive no further pension from said fund: *And, provided, further*,
12 that whenever any member of the police force of such Board of Commissioners
13 has been retired after twenty years' service, or physical disability, and shall
14 then marry, such wife or child or children of such marriage shall after his death
15 receive no pension from said fund.

16 Whenever any member of such police force shall die after ten years' service
17 therein, and while still in such service as such policeman, leaving a widow, or
18 child or children under the age of sixteen years, then, upon satisfactory proof
19 of such facts made to it, said Board shall order and direct that a pension of one-
20 half the salary, not exceeding the sum of nine hundred (\$900.00) dollars, shall
21 be paid to such widow, or if there be no widow, then to such child or children
22 until they shall be sixteen years of age, said pension to cease upon marriage,
23 as provided hereinbefore.

Sec. 7. Any person retired for disability under this Act may be summoned
2 to appear before the Board of Trustees herein provided for, at any time there-

3 after, and shall submit himself thereto for examination as to his fitness for
4 duty, and shall abide the decision and order of such Board with reference there-
5 to; and all members of the police force who may be retired under the provis-
6 ions of this Act, except those who voluntarily retire after twenty years' service,
7 shall report to the chief or commanding officer of police of such Board of Com-
8 missioners on the second Tuesday of each and every month, and in case of
9 emergency may be assigned to and shall perform such duty as said chief or com-
10 manding officer may direct, and such persons shall have no claim against said
11 Board of Commissioners for payment for such duty so performed.

Sec. 8. Whenever any person who shall have received any benefit from
2 said fund shall be convicted of any felony or shall have become a habitual
3 drunkard, or shall become a non-resident of this State, or shall fail to report
4 himself for examination for duty, as required herein, unless excused by the
5 Board of Trustees, or shall disobey the requirements of said Board under this
6 Act in respect to said examination or duty, then such Board shall order that
7 such pension allowance as may have been granted to such person, shall imme-
8 diately cease and determine, and such person shall receive no further pension
9 allowance or benefit under this Act.

Sec. 9. The Board herein provided for shall hold quarterly meetings on the
2 third Tuesday in July, October, January and April of each year, and special
3 meetings upon the call of the President of said Board. On the second Tuesday
4 of July of each year it shall select one of its members, who shall act as the Pres-
5 ident of such Board for the period of one year, or until such time as his suc-
6 cessor is elected and qualified. Said Board shall on the same day also select
7 another of its members, who shall act as the Treasurer and also Secretary of
8 said Board for the period of one year, or until such time as his successor is
9 elected and qualified.

10 Said Board shall issue certificates, signed by its President and Secretary,
11 to the persons entitled thereto, of the amount of money ordered paid to such
12 persons from said fund by said Board, which certificates shall state for what

13 purpose said payment is made. Said Board shall keep a record of all its pro-
14 ceedings, which record shall be a public record. Said Board shall submit quar-
15 terly to the Board of Commissioners of such three or more towns a list of
16 persons entitled to payments from the funds herein provided, stating the
17 amount of such payments and for what granted, as ordered by such Board,
18 which list shall be signed and certified by the Treasurer and President of such
19 Board and attested by such Treasurer under oath: *Provided*, that no resolution
20 shall be passed or order made for the payment of money unless by affirmative
21 vote of a majority of the members of said Board.

Sec. 10. In addition to the other powers herein granted, the following fur-
2 ther powers and authority are hereby conferred upon said Board:

3 1. Said Board shall have exclusive control and management of the fund
4 mentioned herein and of all moneys donated, paid or assessed for the relief or
5 pensioning of disabled, superannuated and retired members of the police de-
6 partment, their widows and minor children, the same to be placed by the Treas-
7 urer of said Board to the credit of such fund, subject to the order of such
8 Board.

9 2. All rewards, moneys, gifts, fees or emoluments that may be paid or
10 given for or on account of extraordinary service by said police department or
11 to any member thereof, except when allowed to be retained by said member or
12 given to endow a medal or other competitive reward, shall be paid into said
13 pension fund. The said Board may take by gift, grant, devise or bequest any
14 money, real estate, personal property, right of property or other valuable thing,
15 the income only of which shall be available for the uses and purposes of such
16 pension fund.

17 3. Said Board of Trustees shall have the power to draw such pension funds
18 from the Treasurer or other officials of such Board of Commissioners and may
19 invest such fund or any part thereof in the name of the Board of Trustees of
20 said police pension fund in interest-bearing bonds of the United States, or of
21 the State of Illinois, or of any county of this State, or of any township, or of

22 any municipal corporation of the State of Illinois, and all such securities shall
 23 be deposited with the Treasurer of said Board and shall be subject to the order
 24 of said Board. Said Treasurer of said Board shall furnish a good and sufficient
 25 bond to said Board, for an amount to be fixed by said Board, all costs incidental
 26 to the same to be paid out of said pension fund.

27 4. All interest and income derived from such investment of such fund or
 28 from any moneys of said funds deposited in bank shall belong to and be at the
 29 disposal of said Board of Trustees.

30 5. To compel witnesses to attend and testify before it upon all matters
 31 connected with the operation of this Act, in the same manner as is or may be pro-
 32 vided by law for the taking of testimony before masters in chancery, and its
 33 President or any member of said Board may administer oaths to such wit-
 34 nesses.

35 6. To appoint a clerk and define his duties.

36 7. To provide for the payment from said fund of all its necessary expenses,
 37 including clerk hire, attorneys' fees, printing, stationery and witness fees: *Pro-*
 38 *vided*, that no compensation or emolument shall be paid to any member of said
 39 Board for any duty required or performed under this Act.

40 8. Make all necessary rules and regulations for its guidance, in conform-
 41 ity with the provisions of this Act.

Sec. 11. On the third Tuesday in May of each year, the Treasurer and all
 2 other officials of such Park Board of Commissioners, and the proper officials of
 3 any other municipality who shall have the custody or possession of any of such
 4 pension funds herein provided, shall make a sworn statement to the Board of
 5 Trustees of such police pension fund and to the President of such Park Board of
 6 Commissioners of such three or more towns, of all moneys received and paid
 7 out by such official on account of said pension fund during the year, and of the
 8 amount of said funds then on hand and owing to said pension fund. All sur-
 9 plus then remaining in said official's hands shall be paid by him to the Treasurer
 10 of said Pension Board: *And, provided, further*, any such official shall at any
 11 and all times, upon demand by said Pension Board, furnish to said Board state-

12 ments or information of any kind relative to said official's method of collection
13 and handling of said pension funds: *Provided, further,* that all books and rec-
14 ords of such official shall be at all times open for examination and inspection by
15 said Board of Pension Trustees, for the purposes herein provided.

Sec. 12. If at any time there shall not be sufficient moneys belonging to
2 such pension fund to pay the allowance by such Board to its beneficiaries, then
3 such beneficiaries shall be paid *pro rata* from such fund; and no allowance or
4 order of such Board of any pension shall be held to create any liability against
5 any Board of Park Commissioners except upon the fund so set apart as herein
6 provided for the payment thereof.

Sec. 13. All Acts or parts of Acts or amendments thereto heretofore en-
2 acted and in any manner conflicting with the provisions of this Act are hereby
3 expressly repealed.



- 1 Introduced by Mr. Atwood, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to amend Section 44 of an Act entitled "An Act concerning fees and salaries, and to classify the several counties of this State, with reference thereto," (approved March 29, 1872, in force July 1, 1872, title as amended by Act approved March 28, 1874, in force July 1, 1874), (as amended by Act approved June 27, 1885, in force July 1, 1885).

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 44 of an Act entitled "An
3 Act concerning fees and salaries and to classify the several counties of this State
4 with reference thereto," (approved March 29, 1872, in force July 1, 1872), and
5 amendments thereto, be amended to read as follows:

FEES OF JURORS.

6 Sec. 44. IN COURTS OF RECORD.] There shall be allowed and paid to grand
7 and petit jurors for their services in attending courts of record, including the
8 county court, when sitting for or doing probate business, each the sum of three
9 dollars per day of necessary attendance at such courts as such jurors, and

10 also five cents per mile each way for necessary travel in going to and returning
11 from the same, to be paid out of the county treasury, except that in cases for the
12 trial of insane persons before the courts, jurors shall only receive for their ser-
13 vices as jurors for such trials, the sum of two dollars per day each. The clerk
14 of the court shall furnish to each of the jurors aforesaid without fee whenever
15 he shall be discharged from further service by the court, a certificate of the
16 number of days' attendance at the term, or of the number of days' attendance
17 at the trial of an insane person, as the case may be, and upon presentation
18 thereof to the county treasurer, he shall pay to such juror, the sum as above
19 provided for his said service. The jurors in courts of record, including county
20 courts, when sitting for and doing probate business in counties of the third class,
21 shall receive only for their services the sum of three dollars per day, and five
22 cents per mile, actual travel going and coming to place of holding court, but no
23 oftener than once coming and going, to place of holding court shall be consid-
24 ered in computing the mileage of jurors, during the term for which they shall
25 be summoned to serve as jurors. (As amended by Act approved June 27, 1885,
26 in force July 1, 1885).

1. Introduced by Mr. Burns, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.

A BILL

For an Act to amend an Act to authorize cities and villages to convey any real or personal property, or their right and title therein, when the same shall be no longer necessary for or profitable to, or its longer retention be for the best interests of such city or village, approved March 22, 1889.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the Act entitled "An Act to authorize cities and villages to convey any real or personal property, or their right and title therein, when the same shall be no longer necessary for or profitable to, or its longer retention be for the best interests of such city or village," approved March 22, 1889, be and the same is hereby amended to read as follows:

7 Sec. 1. Any city or village which shall have acquired or hold, or which
8 shall hereafter acquire or hold, any real estate for any purpose whatsoever, is
9 hereby authorized and empowered by ordinance passed by three-fourths of the
10 members of the city council of such city, or of the board of trustees of such vil-
11 lage, at any regular or at any special meeting called for such purpose, to sell

12 such property when the same shall, in the opinion of such majority of such city
13 council or board of trustees, be no longer necessary or required for the use of
14 such city or village.

15 Sec. 2. Such ordinance shall specify the location of such real estate, the
16 purpose for which it was acquired, and the use made thereof, and invite bids
17 for such real estate on a day therein stated, and before any sale of such real
18 estate shall be made the ordinance providing for such sale shall be published
19 in a newspaper published in such city or village at least once a week for a
20 period of not less than six weeks, and if no paper be published, in some paper of
21 general circulation in such city or village. Bids shall be opened only at the
22 time fixed in such ordinance, and accepted only upon a vote of three-fourths of
23 the members of such city council or board of trustees: *Provided*, that the city
24 council or board of trustees may, by a majority vote, reject any and all bids.

25 Sec. 3. When a bid is accepted, and the purchase price paid, the mayor and
26 city clerk, or the president of the board of trustees and the clerk of such village,
27 shall convey such real estate to the party or parties whose bid is accepted, by
28 proper deed or deeds of conveyance, stating therein the price therefor.

29 Sec. 4. Any city or village which shall have acquired or hold, or which
30 shall hereafter acquire or hold, any personal estate for any purpose whatsoever,
31 is hereby authorized and empowered by ordinance passed by three-fourths of
32 the members of the city council of such city, or of the board of trustees of such
33 village, to authorize any of its officers to sell or exchange such property when
34 the same shall be no longer necessary or required for the use of such city or
35 village. Such ordinance shall prescribe the manner of determining when such
36 personal estate is no longer necessary or required for the use of such city or
37 village, the manner of making such sale or exchange, and the giving of notice
38 thereof.



1 Introduced by Mr. Burns, January 24, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Section 23 of an Act entitled an Act to revise the law in relation to mechanics liens, to whom, what for, and when lien is given; who is a contractor; area covered by and extent of lien; when the lien attaches, approved May 18, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly.* That Section 23 of an Act entitled "An
3 Act to revise the law in relation to mechanics liens, to whom, what for, and when
4 lien is given; who is a contractor, area covered by and extent of lien; when the
5 lien attaches," approved May 18, 1903, be and the same is hereby amended to
6 read as follows:

7 Sec. 23. Any person who shall furnish material, apparatus, fixtures, ma-
8 chinery, or labor to any contractor for a public improvement in this State, shall
9 have a lien on the money due or to become due such contractor for such im-
10 provement: *Provided*, that before payment thereof is made to such contractor
11 such person shall give written notice of his claim to the officer whose duty it is to

12 issue a warrant in payment for such improvement. When bonds or vouchers are
13 issued on account of such improvement before such notice is given, the amounts
14 of money covered by such bonds or vouchers, with the interest thereon, shall be
15 exempt from any lien hereunder. It shall be the duty of such officer so notified
16 to withhold a sufficient amount to pay such claim until it is admitted, or by law
17 established, and thereupon to pay the amount thereof to the person then ap-
18 pearing to be entitled to the same, and such payment shall be a credit on the
19 contract price to be paid such contractor. Any officer violating the duty hereby
20 imposed upon him shall be liable on his official bond to the person serving such
21 notice for the damages resulting from such violation which may be recovered in
22 an action at law in any court of competent jurisdiction. There shall be no pref-
23 erence between the persons serving such notice, but all shall be paid *pro rata* in
24 proportion to the amount due under their respective contracts. Suits to estab-
25 lish liens under this section shall not be maintained unless brought within ninety
26 days after the completion of such improvement.



- 1 Introduced by Mr. Catlin, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards, when appointed.

A BILL

For an Act authorizing "The Commissioners of Lincoln Park" to issue bonds, and
providing for the payment thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly.* That "The Commissioners of Lincoln
3 Park," of the county of Cook, are hereby authorized to from time to time issue
4 bonds not exceeding the total amount of eight hundred and seventy-five thousand
5 dollars, for the purpose of enlarging and improving Lincoln Park, and the com-
6 pletion of work already begun.

Sec. 2. Whenever "The Commissioners of Lincoln Park" desire to issue
2 any of the bonds authorized by Section one (1) of this Act, they shall pass an
3 ordinance fixing the amount of the bonds proposed to be issued, the rate of in-
4 terest and the maturity. Said ordinance shall then be published in a newspaper
5 of general circulation in the county of Cook, and be posted in five public places
6 in each town included in the park district.

Sec. 3. After the passage of the ordinance prescribed in Section two (2)
2 of this Act, "The Commissioners of Lincoln Park" shall order an election, at

3 which shall be submitted to the legal voters of the towns included in said Lincoln
4 Park district, the question of issuing bonds, and shall fix the polling places at
5 which said election shall be held, and shall select the judges and clerks there-
6 for.

Sec. 4. The notice of said election shall state the amount of bonds to be
2 issued and the purpose thereof, and same shall be posted in at least ten (10) pub-
3 lic places in said district at least twenty-one (21) days prior to the election, and
4 such notice shall be published in a newspaper having a general circulation in said
5 district at least once in each week for three successive weeks, the first publica-
6 tion to be made at least twenty-one (21) days prior to the date of election. The
7 election may be held on the same day and at the same places as any general or
8 special election.

Sec. 5. The ballots at the election hereby authorized shall be a separate
2 ballot, and in substantially the following form:

OFFICIAL BALLOT.

3 Instructions to Voters: To cast a ballot in favor of the proposition sub-
4 mitted upon the ballot, place a cross (X) mark in the square opposite the word
5 "Yes."

6 To vote against the proposition submitted upon this ballot, place a cross
7 (X) mark opposite the word "No."

8 Shall the following be adopted:

9	Proposition to issue bonds of Lincoln Park to the amount		
10	of Dollars for the purpose of	YES.	
11	enlarging and improving Lincoln Park, and for the completion		
12	of work already begun.	NO.	

Sec. 6. In case a majority of the votes cast upon the proposition shall be
2 in favor thereof, "The Commissioners of Lincoln Park" may proceed, from
3 time to time, to issue and sell the said bonds, in denominations of One Hundred
4 Dollars (\$100.00) or any multiple thereof, payable in not exceeding twenty (20)

5 annual installments, said bonds to bear interest at the rate of not more than
6 five (5) per centum per annum, evidenced by interest coupons payable semi-
7 annually.

8 Nothing herein contained shall be construed to authorize the contracting of
9 an indebtedness in excess of five (5) per centum of the valuation of the taxable
10 property in said district as assessed for State and county purposes.

Sec. 7. Said bonds before being delivered to the purchaser, shall be regis-
2 tered in the office of the Auditor of Public Accounts of the State of Illinois, on
3 payment of the usual fees, and said Auditor shall certify on each bond the fact
4 of such registration. In order to provide for the payment of the principal and
5 interest of the bonds so registered, it is hereby made the duty of the said Auditor
6 to annually cause to be levied and collected a direct ad valorem tax upon all the
7 taxable property in the district or territory now subject to taxation for the main-
8 tenance of said Lincoln Park sufficient in amount to pay the bonds and interest
9 maturing during the next ensuing year. The said taxes when collected shall be
10 received by the State Treasurer and be disbursed by him in payment of said
11 bonds and the interest thereon, rendering any surplus to the treasurer of said
12 "The Commissioners of Lincoln Park."

Sec. 8. Whereas, an emergency exists; therefore, this Act shall take effect
2 and be in force from and after its passage.



- 1 Introduced by Mr. Covey, Jan. 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

For an Act to provide for the loaning of text books free of charge to the school children in the public schools of the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* In addition to the other powers con-
3 ferred upon them by law, the Boards of School Directors, Boards of Education
4 in all cities, Boards of School Inspectors acting under a special school charter
5 or other governing bodies of all school districts or cities under the general school
6 law or special school charter in the State of Illinois shall have the power when-
7 ever a petition signed by fifteen per cent or more of the voters qualified to vote at
8 school elections shall file with the governing body of any school district or city
9 under the general school law or a special school charter in the State of Illinois
10 thirty days or more before the annual school election to be held in such district
11 or city acting under the general school law or a special school charter asking that
12 the question of providing for the loaning, free of charge, of text books for the
13 use of the pupils in the public schools thereof be submitted to the voters thereof
14 at the next annual school election, to cause notice of such proposition to be given

15 in the call for or notice of such election, and to submit such proposition to the
16 voters of such district.

Sec. 2. If at such election a majority of the voters present and voting
2 thereon shall authorize the governing body in such school district or city act-
3 ing under the general school law or a special school charter to loan text books to
4 the pupils attending the public schools thereof free of charge, then such govern-
5 ing body shall procure such books as shall be needed in all such public schools
6 below high schools and loan them to the pupils free of charge. The governing
7 body of such school district or city acting under the general school law or a spe-
8 cial school charter shall hold such pupils to whom the text books are loaned re-
9 sponsible for any damage to, loss of, or failure to return any such books, and
10 shall adopt such rules and regulations as may be reasonable and necessary for
11 the keeping and preservation thereof.

Sec. 3. If at any time after the elapse of one year from the time that the
2 legal voters decide that the governing body in any school district or city acting
3 under the general school law or a special school charter shall loan text books to
4 the pupils attending the public schools thereof, a petition signed by thirty per
5 cent or more of the legal voters of such school district or city acting under the
6 general school law or a special school charter thirty days or more before the an-
7 nual school election to be held in such district or city acting under the general
8 school law or a special school charter, asking that the loaning of text books to
9 pupils in the public schools shall be discontinued, the governing body of such
10 school district or city acting under the general school law or a special school
11 charter shall cause notice of such proposition to be given in the call for or notice
12 of such election, and, if at such election a majority of the voters voting thereat
13 shall vote to discontinue the loaning of text books free of charge to public school
14 pupils, then the loaning of text books provided for in Section 2 hereof shall be
15 discontinued.

1 Introduced by Mr. Dennis, January 24, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Section one (1) of an Act to require officers having in their custody public funds, to prepare and publish an annual statement of the receipts and disbursements of such funds, approved May 30, 1881, and in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* that Section one (1) of an Act to require
3 officers having in their custody public funds, to prepare and publish an annual
4 statement of the receipts and disbursements of such funds, approved May 30,
5 1881, and in force July 1, 1881, be amended to read as follows: That each and
6 every public officer, elected or appointed, of each and every county and township
7 in this State, who shall, by virtue of his or her office, have the custody of public
8 funds, shall at the expiration of each fiscal year prepare a statement of the amount
9 of public funds received and expended by him or her during the fiscal year just
10 closed; which statement shall show the amount of public funds received and from
11 what sources received, and the amount of public funds expended, and for what

12 purposes expended; and the officer making such statement shall subscribe and
13 swear to the same before some person authorized to administer oaths; and such
14 officer shall, *within thirty days after the close of each fiscal year*, cause such state-
15 ment to be published in some newspaper published in the county in which such
16 officer holds his or her office, for one week; and if no newspaper is published in
17 such county, then such officer shall make three (3) written copies of such state-
18 ment and post them in three (3) of the most public places nearest to the location
19 of his or her office; *and such officer shall, within thirty days after the close of each*
20 *fiscal year, file a copy of said statement, so subscribed and sworn to, in the office*
21 *of the county clerk of the county in which such officer holds his or her office;*
22 *Provided*, that the provisions of this Act shall not apply to sheriffs, circuit clerks,
23 county clerks, county recorders, county superintendents of schools, county treas-
24 urers, county collectors, and township collectors in counties under township
25 organization. *And, provided, further*, that the cost for the publication of said
26 statement shall not exceed the sum of one dollar per one hundred words, to be
27 paid out of the funds in the hands of the officer making such statement: *And,*
28 *provided, further*, that said public officer shall not be required to have said state-
29 ment published if he shall be unable to procure such publication at the price
30 allowed by this Act.

1 Introduced by Mr. Dennis, Jan. 24, 1911.

2 Read first time, ordered printed and referred to Committee on Municipal Corpor-
ations, when appointed.

A BILL

For an Act to amend paragraph "A" of Section Forty-two (42) of an Act to amend
an Act entitled, "An Act to provide for the incorporation of cities and villages,"
approved April 10, 1872, in force July 1, 1872, and all Acts amendatory thereto
by adding thereto Article XIII, approved March 9, 1910, in force July 1, 1910.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That paragraph "A" of Section Forty-
3 two (42) of an Act to amend an Act entitled, "An Act to provide for the incor-
4 poration of cities and villages," approved April 10, 1872, in force July 1, 1872,
5 and all Acts amendatory thereto by adding thereto Article XIII, approved
6 March 9, 1910, in force July 1, 1910, be amended so as to read as follows: (a)
7 A petition signed by electors entitled to vote for a successor to the incumbent
8 sought to be recalled or removed, equal in number to at least *twenty-five* per
9 centum of the entire vote for all candidates for the office of mayor at the last pre-
10 ceding general municipal election demanding an election of a successor of the
11 person sought to be removed or recalled, shall be filed with the city or village
12 clerk or clerk of the Board of Election Commissioners, as the case may be,
13 which petition shall contain a general statement, in not more than two hundred
14 words, of the ground for which the removal or recall is sought.

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- 1 Introduced by Mr. Gilbert, Jan. 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary when
appointed.
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A BILL

For an Act in relation to the crime of larceny.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That if any officer, agent or employee of
3 a corporation, or if any agent or employee of any person or partnership shall
4 collect money or other property on commission, or shall, by virtue of his office
5 or employment, collect or receive any money or other property in which he shall
6 be entitled to a part interest only, by way of commission or otherwise, and
7 shall appropriate to his own use, without the consent of his employer or master,
8 more than his just and proper share of the amount so collected or received by
9 him, he shall be deemed guilty of larceny.



- 1 Introduced by Mr. Holaday (by request), January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to amend Sections 5 and 6 of Article 7 of an Act entitled “An Act regulating the holding of elections and declaring the results thereof in cities, villages and incorporated towns in this State,” approved June 19, 1885, in force July 1, 1885, as amended by an Act approved June 17, 1895, in force July 1, 1895, as amended by an Act approved June 9, 1897, in force July 1, 1897, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved May 25, 1907, in force July 1, 1907, as amended by an Act approved June 10, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections 5 and 6 of Article 7 of an
3 Act entitled “An Act regulating the holding of elections and declaring the re-
4 sults thereof in cities, villages and incorporated towns in this State,” approved
5 June 19, 1885, in force July 1, 1885, as amended by an Act approved June 17,
6 1895, in force July 1, 1895, as amended by an Act approved June 9, 1897, in force
7 July 1, 1897, as amended by an Act approved April 24, 1899, in force July 1,
8 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as

9 amended by an Act approved May 25, 1907, in force July 1, 1907, as amended
10 by an Act approved June 10, 1909, in force July 1, 1909, be and the same are
11 hereby amended so as to read as follows:

12 Sec. 5. At all general, county and State elections, which include officers
13 elected through the whole county, though other than State and county officers
14 are also elected, and at all exclusively judicial elections, and at all special elec-
15 tions for a county or State officer, or member of Congress or member of the
16 Legislature, such county shall pay such judges and clerks of election for their
17 services under this Act.

18 At all township elections, general or special, held for the election of town-
19 ship officers only, for any township or townships of which said city may be a
20 part, such township or townships shall pay the judges and clerks for their ser-
21 vices at such election and at any registration preceding such election and all ex-
22 penses connected with such registration and election and it shall be the duty of
23 the Board of Election Commissioners in cities lying in two or more townships to
24 apportion such expenses and salaries of judges and clerks among the several
25 townships according to the benefits received.

26 Sec. 6. Said Board of Election Commissioners shall audit all claims of
27 judges and clerks of election and shall draw a warrant therefor upon such city,
28 county or township treasury, as the case may be.

 Sec. 2. Whereas, an emergency exists; therefore, this Act shall take effect
2 and be in full force from and after its passage.



- 1 Introduced by Mr. Hruby, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Railroads, when
appointed.

A BILL

For an Act to require the Illinois Central Railroad Company to comply with an Act entitled, "An Act to incorporate the Illinois Central Railroad Company," approved February 10, 1851, in relation to sale of lands held in trust by said company, as provided in Section 17 of said Act and others, that said land may become taxable and bear its proper proportion of taxation.

WHEREAS, By Act of Congress, approved September 20, 1850, a grant of
2 lands was made to this State for the purpose of aiding in the construction of a
3 railroad from Chicago to Mobile; and between certain other points; and

4 WHEREAS, The General Assembly of this State, by an Act entitled, "An Act
5 to incorporate the Illinois Central Railroad Company," approved February 10,
6 1851, incorporated the Illinois Central Railroad Company and granted to said
7 company the said lands, with provision that they should be conveyed to and held
8 and sold by certain trustees provided for in said Act; and it was provided among
9 other things that the said lands should be exempt from taxation under the laws
10 of this State until sold and conveyed by the said corporation or trustees; and

11 WHEREAS, It was further expressly provided in said Act as a part of the con-

12 dition of said grant, and said exemption from taxation, that all lands remaining
13 unsold at the expiration of ten years after the completion of -the road of said
14 company, and its branches as therein specified, should be offered at public sale
15 annually until the whole should be disposed of, to the end that the same might
16 be sold to actual settlers and private parties, and become taxable at the earliest
17 possible time after the expiration of that period; and

18 WHEREAS, The said road has been completed more than fifty years and large
19 tracts of land remain unsold, and are not now nor never have been offered at
20 public sale, as contemplated and provided in Section seventeen of said Act, but
21 to the contrary and in direct violation of their charter, and the true intents and
22 purposes of said grant, thousands of acres of said land have been reserved from
23 sale by said company, part of which they farm out and lease for rent, and refuse
24 to sell the lands at any price to applicants who desire to purchase same, there-
25 fore the lands are kept from being taxable, the company not paying taxes on same
26 or permitting anybody else to do so; and, further, the said company have sold
27 valuable timber from off tracts of land, realizing their full cash value for same,
28 yet holding said land at the same price as before timber was removed, which is
29 unreasonably high for land in said condition, thereby said land being kept from
30 sale, and consequently from taxation; and other lands that they, the said com-
31 pany offer for sale is held unreasonably high, and is thereby kept from sale and
32 taxation, all of which, reserving large tracts of land from sale at any price, and
33 farming out same, and selling valuable timber off of others, thereby depriving
34 actual settlers of the use of same for building, etc., and holding same unreason-
35 ably high, is contrary to the true intents and purposes of said grant; and fur-
36 ther, the said company by these acts has diverted those lands from their proper
37 channel intended and provided in said charter and grant, and failing to offer all
38 lands at public sale annually, as expressly provided according to the true in-
39 tent and meaning of said Act, has thereby deprived the State, county and muni-
40 cipality of large revenues which they ought to derive from the taxation of said
41 lands, and the others of property in the vicinity of said land are compelled to
42 bear more than their portion of the burdens of taxation; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly: That it shall be the duty of the trustees
 named in Section fifteen of an Act entitled, "An Act to incorporate the Illinois
 Central Railroad Company," approved February 10, 1851, or their successors in
 the trust in the said Act mentioned, to offer at public sale annually all the lands
 by the said Act granted, and by the State conveyed or intended to be conveyed
 to the Illinois Central Railroad Company, and by said company conveyed or in-
 tended to be conveyed to the said trustees by deed, dated March 24, 1851, and
 which remain unsold, until the whole is disposed of; and for the sake of securing
 the speedy and proper execution of their trust pursuant to said Act, it is hereby
 made the duty of the said trustees and their successors upon some day during
 the months of October and November, 1911, and in each and every year there-
 after until all said lands are disposed of, to offer at public sale at the court house
 in each county all such lands in such county then remaining unsold: *Provided,*
 this Act shall not be so construed as to prevent said trustees or their successors
 from selling any of said lands at private sale for cash or on credit by contract,
 as provided in an Act to amend the Act incorporating the Illinois Central Rail-
 road Company, relating to sale of land on credit by contract, part of Section six-
 teen of charter, in force February 28, 1854: *Provided,* that no sale of land on
 credit by contract or otherwise shall extend over a period of four years from date
 of sale.

Sec. 2. Before making any sale in any county under the provisions of this
 Act, the trustees or their successors shall give public notice thereof by advertise-
 ment in some newspaper published in the county where the land to be sold is
 situated, which advertisement shall contain a description of the land and notice
 of the time, terms, for cash or credit and place of sale, and shall be published for
 at least four successive weeks prior to the first day of sale.

Sec. 3. At every such sale in any county all lands lying in such county
 shall be offered for sale in such quantities as will be most advantageous in pro-
 moting a fair sale thereof, and not exceeding forty acres in one tract, and shall

4 be sold to the highest and best bidder or bidders therefor, and no such lands
 5 shall be reserved or withdrawn from sale when there is a bid made thereon, said
 6 land shall be offered for sale in the order advertised and when any tract is put
 7 up for sale the auctioneer or person selling shall cry the same for at least five
 8 minutes.

Sec. 4. It is further provided that it shall be discretionary with the trust-
 2 tees or their successors to sell such land at public sale for cash, as provided in
 3 Section sixteen of charter, approved February 10, 1851, or to sell upon credit by
 4 contract, as provided in an Act to amend a part of Section sixteen of charter re-
 5 lating to sale of land on credit by contract or otherwise shall extend over a
 6 period of four years from date of sale.

Sec. 5. Upon the making of any sale of such land for cash the said trust-
 2 tees or their successors shall make and deliver to the purchaser or purchasers a
 3 deed of conveyance vesting the title to the lands sold in such purchaser or pur-
 4 chasers, so that the said land may become immediately taxable: *Provided*, that
 5 when any such sale shall be made upon time by contract or otherwise the said
 6 land so sold shall become taxable when the last payment becomes due: *Pro-*
 7 *vided*, the trustees or their successors may require for deferred payments note
 8 or notes to be secured by mortgage or deed of trust on said land or other lands
 9 in such form and upon such terms as may be deemed best for their protection.

Sec. 6. *Provided*, that when any bid is made on any tract of land offered at
 2 public sale, should the Illinois Central Railroad Company, by agent or other-
 3 wise, bid in any such tract of land for their own use or otherwise, it shall become
 4 immediately taxable.

Sec. 7. Whenever sale of land is made at public sale as provided in this Act,
 2 the said trustees or their successors shall at once after such sale furnish the coun-
 3 ty clerk of the county in which such land is located a certified statement of every
 4 and each tract of land so sold, together with the name of the person to whom,
 5 and the price for which, the same was sold, giving date of when first payment was

6 made on same and when last payment becomes due; also a similar list to be fur-
7 nished to said county clerks upon the first day of September, 1911, and each
8 and every year thereafter upon said date, a certified list of all lands sold for cash
9 or bid in by agents or otherwise by the Illinois Central Railroad Company, that
10 the same may be entered for taxation; this Act is not to be construed as inter-
11 fering with provision in Section sixteen of charter requiring reports made to
12 Auditor of State.

Sec. 8. In case the said trustees or their successors shall fail or refuse to
2 offer the said lands for sale in good faith in the manner herein provided, and
3 sell the same to the highest and best bidder or bidders, when any bid is made
4 thereon, it shall be the duty of the State's Attorney to file in the circuit court of
5 the county wherein said land lies a petition praying the court for a mandamus
6 to compel the said trustees and their successors in office to make sale pursuant
7 to the terms of this Act, and the said trustees or their successors be notified in
8 the same manner as defendants in cases of mandamus are notified; and the said
9 circuit court is hereby vested with jurisdiction to compel the said trustees or
10 their successors to offer the said lands at public sale; that the court may ascer-
11 tain upon evidence heard a fair cash value of the lands subject to be sold and in
12 the order of sale fix the minimum price for which the same shall be sold, being
13 not less than three-fourths of their real cash value, and when sold the said trus-
14 tees or their successors shall convey the title of same to purchaser in the manner
15 herein provided; or in case of neglect or refusal by said trustees or their suc-
16 cessors to comply with this Act, the court may appoint one or more commission-
17 ers, or master in chancery, to make such sale and conveyances and to fix the
18 terms and times of sale and generally to execute all orders in the premises which
19 the court shall deem proper to insure the execution of their duties according to
20 the true intent and meaning of said section seventeen of said Act of incorpora-
21 tion not inconsistent with the terms of this Act.



- 1 Introduced by Mr. Hull, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on State and Municipal
Civil Service Reform, when appointed.

A BILL

For an Act to amend Sections 3, 4, 6, 11 and 14 of an Act entitled, “An Act to regulate the Civil Service of the State of Illinois,” approved May 11, 1905, in force November 1, 1905; as amended by an Act approved April 19, 1907, in force July 1, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907, and be added an additional section thereto being known as Section 3 (a).

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Sections 3, 4, 6, 11 and 14 of an Act entitled, “An Act to Regulate the Civil Service of the State of Illinois,” approved May 11, 1905, in force November 1, 1905; as amended by an Act approved April 19, 1907, in force July 1, 1907; as amended by an Act approved May 25, 1907, in force July 1, 1907, be and the same are hereby amended, and an additional section to be known as Section 3 (a) is hereby added to read as follows:

Sec. 3. Said commissioners shall, *within six months after this Act goes into effect*, classify all the offices and places of employment in the State service, except as provided in Section 11 of this Act, with reference to the duties thereof,

12 *for the purpose of establishing grades and for the purpose of fixing and maintain-*
13 *ing standards of examinations hereinafter provided for. Such classification shall*
14 *include all offices and places of employment now in existence or which may here-*
15 *after be created in the State service of the State of Illinois, except those ex-*
16 *pressly exempted from the operation of this Act in Section 11 hereof. The offices*
17 *and places so classified by the Commission shall constitute the Classified Civil*
18 *Service of the State; and no appointments to any of such offices or places shall*
19 *be made except under and according to the provisions of this Act and of the rules*
20 *hereinafter mentioned. The classified service shall include the position of chief*
21 *examiner herein provided for, and all officers and employees of the Civil Ser-*
22 *vice Commission except special examiners.*

23 *Sec. 3 (a). The Commission shall ascertain the duties of each office and*
24 *place in the classified service and designate by rule the grade of each position.*
25 *Each grade shall comprise offices and places having substantially similar*
26 *duties. The Commission shall by rule indicate the lines of promotion from each*
27 *lower grade to a higher grade wherever the experience derived in performance*
28 *of the duties of such lower grade tends to qualify for performance of duty in*
29 *such higher grade. The Commission shall by rule prescribe standards of effi-*
30 *ciency for each grade and for examinations of candidates for appointment there-*
31 *to.*

32 *For the purpose of establishing uniformity of pay and title for all offices*
33 *and places of employment classified in the same grade, it shall be the duty of the*
34 *Commission to prescribe by rule the maximum and minimum pay for each grade*
35 *and the title thereof and to report to the Governor annually, and at such other*
36 *times as he may direct, the name and address of each officer and employee paid*
37 *more or less than the pay prescribed for his grade or designated by a title other*
38 *than that prescribed for his grade by the Commission.*

39 *The Commission shall standardize employment in each grade and make and*
40 *keep a record of the relative efficiency of each officer and employee in the classi-*
41 *fied service. It shall provide by rule methods for ascertaining and verifying the*

42 facts from which such records of relative efficiency shall be made, which shall be
43 uniform for each grade of the classified service.

44 Sec. 4. Said Commission shall make rules to carry out the purposes of this
45 Act, and for examination, appointments, *transfers* and removals and for main-
46 taining and keeping records of the efficiency of officers and employees, and
47 groups of officers and employees in accordance with the provisions of this Act,
48 and said Commission may from time to time make changes in such rules.

49 Sec. 6. All applicants for offices or places in said classified service, except
50 those mentioned in Section 11 hereof, shall be subjected to examination, which
51 shall be public, competitive and free to all persons who may be lawfully ap-
52 pointed to any office or place in the service of the State of Illinois, with limita-
53 tions specified in the rules of the Commission as to residence, age, sex, health,
54 habits, moral character and qualifications to perform the duties of the office or
55 place to be filled, which qualifications shall be prescribed by rule in advance of
56 such examination. Such examinations shall be practical in their character, and
57 shall relate to those matters which will fairly test the relative capacity of the
58 persons examined to discharge the duties of the position to which they seek to
59 be appointed, and may include tests of physical qualifications and health, and,
60 when appropriate, of manual skill. No question in any examination shall relate
61 to political or religious opinions or affiliations. The Commission shall control
62 all examinations, and may, whenever an examination is to take place, designate a
63 suitable number of persons, either in or not in the official service of the State, to
64 be examiners; and it shall be the duty of such examiners, and if in the official
65 service it shall, without extra compensation, be a part of their official duty to
66 conduct such examination as the Commission may direct, and to make return or
67 report thereof to said Commission; and the Commission may at any time sub-
68 stitute any other person, whether or not in such service, in the place of anyone
69 so selected; and the Commission may themselves at any time act as such exam-
70 iners and without appointing examiners.

71 Sec. 11. *All officers elected by the people; all officers, boards and commis-*
 72 *sions appointed by the Governor subject to confirmation by the Senate; all offi-*
 73 *cers of the General Assembly or either House thereof; judges and officers ap-*
 74 *pointed by judges of any court, clerks of court, notaries public; election offi-*
 75 *cials and persons employed in the military service of the State; all presidents,*
 76 *deans, principals, professors, instructors, scientific staff and other teachers in*
 77 *the State university or normal schools, department and institution auditor, one*
 78 *private secretary or stenographer for each of the elective officers, and servants*
 79 *at the executive mansion shall not be included in the classified State service.*

80 Sec. 14. *The Commission shall investigate the efficiency of all officers and*
 81 *employees and of all groups of officers and employees in the classified service*
 82 *and shall report to each officer, board or other authority in charge of any in*
 83 *stitution, office or department of the State government its findings and recom-*
 84 *mendations relative to increasing efficiency and economy therein. In case the*
 85 *recommendations made by the Commission are not carried into effect within a*
 86 *reasonable time, or in case of a difference of opinion with reference to such find-*
 87 *ings or recommendations between the Commission and the officer, board or other*
 88 *authority in charge of an institution, office or department concerned in any such*
 89 *finding or recommendation, the report accompanied by a note of the relevant*
 90 *facts shall be transmitted to the Governor by the Commission. The Commission*
 91 *shall investigate the enforcement of this Act and of the rules of the Commission,*
 92 *the conduct of the appointees in the classified service, and the method of admin-*
 93 *istration therein, and may investigate the nature, tenure and compensation of all*
 94 *offices and places in the civil service of the State. In the course of such investi-*
 95 *gation each commissioner shall have power to administer oaths, and said commis-*
 96 *sion shall have power to secure by its subpoena both the attendance and testi-*
 97 *mony of witnesses and the production of books and papers.*



1 Adopted March 29, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 47 by adding to line 79 of the printed bill the follow-
2 ing: "*Provided*, that in the State University and Normal Schools of the State
3 students in said institutions may whenever practicable be temporarily employed
4 under rules of the Civil Service Commission without examination or certifica-
5 tion.

AMENDMENT NO. 2.

Amend House Bill No. 47 by inserting after the word "officers" in line 78
2 of the printed bill the following: "Four clerk or assistants each for the Gover-
3 nor, Lieutenant Governor, Secretary of State, Treasurer, Attorney General and
4 Superintendent of Public Instruction."



1 Adopted March 30, 1911.

AMENDMENTS TO AMENDMENT NO. 2.

Amend amendment No. 2 by adding thereto the following: "And all at-
2 torneys in the employ of the Attorney General."

AMENDMENT NO. 3.

Amend House Bill No. 47 by inserting after line 79 of the printed bill the
2 following:

3 Section 12. No officer or employee in the classified civil service shall be re-
4 moved or discharged except for cause, upon written charges, and after an oppor-
5 tunity to be heard in his own defense, Such charges shall be investigated by or
6 before said Civil Service Commission, or by or before some officer or board ap-
7 pointed by said commission to conduct such investigation. The finding and de-
8 cision of such commission or of such investigating officer or board, when approved
9 by said commission, shall be certified to the appointing officer, and shall be forth-
10 with in force by such officer. Nothing in this Act shall limit the power of any
11 officer to suspend a subordinate for a reasonable period, not exceeding thirty
12 days. Every such suspension shall be without pay: *Provided, however, that*
13 the commission shall have authority to investigate every such suspension, and,
14 in case of its disapproval thereof, it shall have power to restore pay to the em-
15 ployee so suspended. In the course of any investigation provided for in this
16 Act each member of the commission, and of any board so appointed by it, and
17 any officer so appointed, shall have the power to administer oaths and shall have

18 power to secure by its subpoena both the attendance and testimony of wit-
 19 nesses, and the production of books and papers. Nothing in this section shall be
 20 construed to require such charges in case of laborers or in case of persons hav-
 21 ing the custody of public money for the safe keeping of which another person
 22 has given bonds.

AMENDMENT NO. 4.

Amend House Bill No. 47 by inserting after line 8 of the printed bill the fol-
 2 lowing:

3 Sec. 1. (a) At the election to be held in the several precincts and counties
 4 of this State on the Tuesday next after the first Monday in November, A. D.
 5 1912, and at each general election held every four years thereafter, there shall
 6 be elected three State officers to be known as civil service commissioners, who
 7 shall constitute the State Civil Service Commission, who shall each hold his
 8 office for the term of four years from the second Monday of January next after
 9 his election, and until his successor is elected and qualified. No political party
 10 shall nominate more than two candidates for civil service commissioner, but
 11 the electors at the polls shall be entitled to vote for three candidates for such
 12 office.

AMENDMENT NO. 6.

Amend House Bill No. 47 by inserting in Section 11, lines 72 and 73 of the
 2 printed bill after the word "officers," the words, "appointee and employees".

AMENDMENT NO. 8.

Amend House Bill No. 47 by striking out the word "persons" in line 51 of
 2 the printed bill and inserting in lieu thereof the words, "citizens of the State
 3 of Illinois," and by adding after the word "examinations" in line 56 of said
 4 section, the words: "*Provided, however, that in examinations for technical pos-*
 5 *sitions residence may be waived.*"

AMENDMENT NO. 9.

Amend House Bill No. 47 by amending the title of the bill to read as follows:

2 “A bill for an Act to amend an Act entitled, ‘An Act to regulate the Civil Ser-
3 vice of the State of Illinois,’ approved May 11, 1905, in force July 1, 1905; as
4 amended by an Act approved April 19, 1907, in force July 1, 1907, and as further
5 amended by an Act approved May 25, 1907, in force July 1, 1907, by amending
6 sections 1, 3, 4, 6, 11, 12 and 14 thereof and by adding one additional section to
7 be known as Section 3 (a).

AMENDMENT NO. 10.

Amend House Bill No. 47 by striking out in line 2 of the printed bill all
2 after the enacting clause and all of lines 3 to 8, inclusive, of the printed bill
3 and inserting in the place thereof the following:

4 That an Act entitled, “An Act to regulate the Civil Service of the State
5 of Illinois,” approved May 11, 1905, in force July 1, 1905, as amended by an Act
6 approved April 19, 1907, in force July 1, 1907, as amended by an Act approved
7 May 25, 1907, in force July 1, 1907, be and the same is hereby amended by
8 amending Sections 1, 3, 4, 6, 11, 12 and 14 thereof and by adding one new sec-
9 tion thereto to be known as section 3 (a) so that the said amended and additional
10 section shall read as follows.

AMENDMENT NO. 11.

Amend House Bill No. 47 by striking out the word “servants” where it ap-
2 pears in line 78 on page 4 of the printed bill and inserting in place thereof the
3 word “employees.”

-
- 1 Introduced by Mr. Ireland, January 24, 1911.
 - 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to amend Section fourteen of an Act entitled "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872; title as amended by Act approved March 28, 1874; in force July 1, 1874, as amended by Act approved March 25, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 14 of an Act entitled "An Act concerning fees and salaries and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872, as amended by Act approved March 28, 1874, in force July 1, 1874, as amended by Act approved March 25, 1907, in force July 1, 1907, be and the same is hereby amended to read as follows:

Sec. 14. The fees of the clerk of the circuit court in counties of the first and second class shall be paid in advance, except as herein provided, and shall be as follows:

For each judgment by confession in vacation or in term time, \$5.00.

5 *In each case of appeal from or petition for a writ of certiorari to a justice of*
 6 *the peace or any court of record and in each case of a change of venue from a*
 7 *court of record, \$5.00.*

8 In each case of transcript of a judgment from a justice of the peace or a
 9 court of record for the purpose of creating a lien, including one execution,
 10 \$5.00.

11 In each case for the exercise of eminent domain, \$20.00; *and also \$10.00 for*
 12 *each and every lot or tract of land or right or interest therein subject to be con-*
 13 *demned, the damages in respect to which shall require separate assessments by*
 14 *the jury.*

15 In each other civil action at common law, \$8.00.

16 In each cause in chancery for divorce or separate maintenance, including in-
 17 junction, \$8.00.

18 In each suit for partition, \$15.00.

19 In each other chancery case, \$10.00.

20 In each criminal case, but not in advance, \$5.00.

21 In each petition for a writ of habeas corpus, \$5.00.

22 If any cause shall be remanded to the circuit court from the supreme court or
 23 appellate court, the clerk shall be entitled to the same fee before the filing of the
 24 remanding order and the reinstating of the cause as if it were the commencement
 25 of a new suit.

26 For issuing each execution after the first, \$1.00.

27 For issuing a procedendo, 25c.

28 For each record of proceedings and judgment or decree, whether on appeal,
 29 error or change of venue, 15c for each one hundred words.

30 For comparing a bill of exceptions or a certificate of evidence, 3c for each
 31 one hundred words.

32 For certified copies of decrees and other instruments, 15c for each one hun-
 33 dred words.

34 For recording the report of a master, a receiver, a trustee, commissioners or
 35 a commission, or other like officer, 10c for each one hundred words.

36 For taking depositions and certifying and sealing the same, 15c for each one
37 hundred words.

38 For taking the acknowledgment of a deed or other instrument in writing
39 with seal, 25c.

40 Any person desiring to bring a suit or to file papers upon an appeal or cer-
41 tiorari or change of venue, as a poor person, shall first file a motion for leave to
42 do so, supported by an affidavit describing in detail all property, real and per-
43 sonal, which he owns. Such motion shall be heard by the court in term time or by
44 a judge thereof in vacation, or by a master in chancery if no judge be present in
45 the county, and the proposed plaintiff may be orally examined under oath, and
46 if such court, judge or master finds that said proposed plaintiff is a poor person
47 and unable to prosecute such suit and to pay the costs and expenses thereof, an
48 order shall be entered permitting him to begin and prosecute such suit without
49 paying in advance the fee herein specified therefor. Such order shall be subject
50 to review in term time on motion. If the defendant shall settle or compromise
51 such suit, or pay or deliver to plaintiff or his counsel any money or valuable
52 thing because of such suit, without causing such fee to be paid to the clerk of the
53 court, the court may enter an order that the defendant pay such fee, and the
54 same shall be collected from the defendant upon a fee bill to be issued by the
55 clerk to the sheriff therefor.

56 The fees of the clerk of the circuit court when he is also ex-officio recorder
57 of deeds of his county, shall be paid in advance and shall be as follows:

58 For recording each deed or other instrument in writing, 10c for each one
59 hundred words.

60 Each certificate by such recorder of the recording of the deed or other writ-
61 ing and of the date of recording the same signed by such clerk and ex-officio re-
62 corder shall be sufficient evidence of the recording thereof, and for such certificate
63 including the indexing of the record, the fee shall be 25c.

64 For a certified copy of a record, the same fee as for recording.

65 For entering each tract or lot in the entry book of conveyances, 10c for each
66 of the first five tracts or lots and 5c for each tract or lot more than five.

67 For recording every city, town or assessor's plat, for each lot or tract of
68 land included in said plat, 10c, when the number of lots does not exceed twenty,
69 and for each additional lot 5c, and for the certificates attached thereto the same
70 fees as for recording other instruments.

71 For each attestation of a release or an assignment of an instrument on the
72 margin of the record thereof and for indexing the same in the book kept for that
73 purpose, 25c.

Sec. 2. All Acts and parts of Acts in conflict herewith are hereby re-
2 pealed.



- 1 Introduced by Mr. Martin, Jan. 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary.

STERILIZATION OF MAN AND WOMAN.

Vasectomy is the term used for the sterilization of the male. The active element of the semen which impregnates passes from the testicle through a small tube from each testicle known as the vas deferens. This carries the semen to a receptacle at the base of the bladder where it is stored in reservoirs called the seminal vesicles.

Anything which blocks these tubes and prevents the semen from passing from the testicles to the reservoirs at the base of the bladder renders the male sterile. This occurs in many men who suffer from gonorrhea, and they remain childless. The operation to make them sterile consists in the simple procedure of making a small cut in the skin over each tube just above the testicles. This can be done with a local anaesthetic,—the injection of a small amount of cocaine, and it is rendered painless. The tube—the vas deferens—is easily raised up through the small cut and a small piece of the tube is removed. An individual so operated upon becomes sterile and cannot beget children. This operation, however, does not make him impotent. He still has sexual power and desire and the operation does not cause any change whatever in his sexual organs.

This operation, therefore, is a simple one, not at all like castration, and does not interfere in any way with the health or pleasure of the individual. It simply renders him sterile.

In the woman sterilization is quite as simple as that of man in principle. The Fallopian tubes which carry the egg of the female from the ovary to the uterus

(womb) are exposed by a simple operation through the vagina. It is a little more difficult to perform than the corresponding operation in the man, but is free from danger. A small section of the Fallopian tube is removed which renders the woman sterile. This operation does not in any way change the organs of the female; nor does it interfere with her health or pleasure.

Over one thousand men have been sterilized by the operation described above under the law adopted by Indiana, Connecticut and California. A score or so of feeble-minded women have also been made sterile by the operation described, in Indiana.

THE TRANSMISSION OF MENTAL DEFECTS TO OFFSPRING.

It is a well known fact that insanity, feeble-mindedness and criminality may be transmitted to offspring by parents. This fact is a matter of common observation and is especially well known to physicians. It is illustrated in the history of certain families through several generations.

The Jukes family in America has been carefully traced through five generations by Dugdale. Of seven hundred and nine members of this family, seventy-six were convicted of crime; one hundred and eighty were paupers and beggars, and over one-half of the females were prostitutes.

Of seven hundred descendants of a female drunkard traced by Poellman, eighty-three were convicted of crime, including seven murders; two hundred and twenty-six were paupers and one hundred and eighty-seven were prostitutes.

Of eight thousand prisoners received at the Elmira New York Reformatory forty-three per cent were the subjects of nervous disease and thirty-seven per cent were mentally defective.

Many other examples, some of them in our own State of Illinois, could be cited.

On the other hand, as a comparison with the transmission of defective conditions, we may cite the Jonathan Edwards descendants. Among one thousand three

hundred and ninety-four of the descendants of Jonathan Edwards, whose lives were traced between the years 1750 and 1900, not one was convicted of crime, pauperism or prostitution, while several hundred were prominent in educational, professional, military and political life.

The sterilization by vasectomy of males who have been judicially unfitted for citizenship, including confirmed criminals, idiots, imbeciles and rapists, has already been recognized in Indiana, Connecticut and California. The rapid increase of these classes, not merely in numbers but also in ratio to the total population, has become so important that it renders some legislative action necessary.

Inasmuch as this class of people are dependents of the State of Illinois, the legislature should consider sexual sterilization of this class of men and women as a means of checking the further propagation of the unfit.

The percentage of increase of defectives and criminals exceeds the percentage of increase of the normal and the law-abiding.

The fecundity of those who transmit their dangerous qualities to their offspring is largely responsible for this excess.

It is a preventable increase. The foregoing operation to sterilize is no longer an experiment in legislation.

The States hereinafter named have protected society from the propagation of such undesirables who are a burden and a menace to the normal and the non-criminal.

The State of Connecticut by an Act, approved August 12, 1909, has regulated the subject as follows:

“Section 1. The directors of the State Prison, and the Superintendents of the State Hospitals for the insane * * * are hereby authorized and directed to appoint for each of said institutions respectively two (2) skilled Surgeons, who, in conjunction with the Physician or Surgeon in charge at each of said institutions, shall constitute a Board, the duty of which shall be to examine such inmates of said institutions as are reported to them by the Warden, Superintendent, or Physician and Surgeon in charge, to be persons by whom procreation would be inadvisable. Such Board shall examine the physical and men-

tal condition of such persons and their record and family history, so far as the same can be ascertained, and, if in the judgment of the majority of said Board procreation by any such person would produce children with an inherited tendency to crime, insanity, feeble-mindedness, idiocy or imbecility, and there is no probability that the condition of any such person so examined will improve to such an extent as to render procreation by any such person advisable, or if the physical or mental condition of any such person will be substantially improved thereby, then said Board shall appoint one of its members to perform the operation of vasectomy or cophorectomy, as the case may be, upon such person. Such operation shall be performed in a safe and humane manner, and the Board making such examination and the Surgeon performing such operation shall receive from the State such compensation for services rendered as the Warden of the State Prison, or the Superintendent of either of such hospitals, shall deem reasonable.

“Sec. 2. Except as authorized by this Act, every person who shall perform, encourage, assist in or otherwise promote the performance of either of the operations, described in Section 1 of this Act, for the purpose of destroying the power to procreate the human species, or any person who shall knowingly permit either of such operations to be performed upon such persons, unless the same shall be a medical necessity, shall be fined not more than one thousand (\$1,000.00) dollars, or imprisoned in the State prison not more than five (5) years, or both.”

By an Act, approved March 22, 1909, the State of Washington requires:

“Section 35. Whenever any person shall be adjudged guilty of carnal abuse of a female person under the age of ten (10) years, or of rape, or shall be adjudged to be a habitual criminal, the court may, in addition to such other punishment or confinement as may be imposed, direct an operation to be performed upon such person for the prevention of procreation.”

The State of Indiana by a Statute, approved March 9, 1907, adopted an Act as follows:

“PREAMBLE. Whereas heredity plays a most important part in the transmission of crime, idiocy and imbecility, Therefore, be it enacted, by the General Assembly of the State of Indiana, that on and after the passage of this Act it shall be compulsory for each and every institu-

tion in the State, entrusted with the care of confirmed criminals, idiots, rapists and imbeciles, to appoint upon its staff, in addition to the regular institutional physician, two (2) skilled surgeons of recognized ability whose duty it shall be, in conjunction with the general physician of the institution, to examine the mental and physical condition of such inmates as are recommended by the institutional physician and Board of Managers. If, in the judgment of this committee of experts, and the Board of Managers, procreation is inadvisable and there is no probability of improvement of the mental condition of the inmate, it shall be lawful for the surgeons to perform such operation for the prevention of procreation as shall be decided safest and most effective, but this operation shall not be performed, except in cases that have been pronounced unimprovable: *Provided*, that in no case shall the consultation fee be more than three (\$3.00) dollars to each expert to be paid out of the funds appropriated for the maintenance of such institution."

In addition to the foregoing legislative Acts, a number of States, such as Wisconsin, West Virginia and Connecticut, prohibit the inter-marriage or living together, or the issuing of licenses by public authorities permitting the marriage of epileptics, imbeciles, insane, feeble-minded or habitual criminals. Every person who, by law, is authorized to solemnize a marriage, is prohibited from doing so, in any of the cases enumerated.

Senator Womack introduced a bill, relating to this subject, in the Forty-sixth (46th) General Assembly, known as Senate Bill No. 249. This bill passed the Senate by a vote of thirty-five (35) ayes to eight (8) nays.

A bill is herewith presented which is believed to embody the experience both in legislation and administration of other States on the subject.

The Charities Act, in force July 1, 1909, enacted by the Forty-sixth (46th) General Assembly, requires the Board of Administration, at least once each year, to meet the Superintendents of each State Institution and members of the Charities Commission in conference. The conference shall consider in detail all questions relating to the treatment and care of the insane, epileptics, feeble-minded, delinquents and the poor, and other wards of the State, and all questions of management and improvement of institutions caring for such wards.

In pursuance of this direction the authorities named met in conference at the State Capitol, in Springfield, Illinois, on November 22, 1910. Among other matters considered was the one herein mentioned. By a resolution adopted without a dissenting vote, such legislation as that contained in the following bill was recommended for favorable consideration by the General Assembly of this State.

A BILL

For an Act to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be the duty of the managing officers of all public institutions of this State, entrusted with the care or custody of habitual criminals, idiots, feeble-minded and imbeciles, and they are hereby authorized and directed to obtain the advice and professional services of competent surgical assistants, who, jointly with the physician or surgeon in charge of the institution in which any of such inmates shall be, shall constitute the authority whose duty it shall be to examine such inmate or inmates of the several institutions as are deemed to be improper and inadvisable to allow to procreate. Such authority shall examine the physical and mental condition of such inmate or inmates, the history thereof so far as can be ascertained, and if, in the judgment of such authority, procreation by any such inmate or inmates

13 would produce children with an inherited tendency to crime, insanity, feeble-
14 mindedness, idiocy or imbecility, and there is no probability that the condition of
15 any such inmate or inmates so examined will improve to such an extent as to ren-
16 der procreation by any such inmate or inmates advisable, or if the physical or
17 mental condition of any such persons will be materially improved thereby, then
18 said authority shall report their conclusions with a recommendation to the cir-
19 cuit court or any court of competent jurisdiction in and for the district from
20 which such inmate or inmates has been committed to such institution or institu-
21 tions. The court shall thereupon hear and determine the matter and if satisfied
22 that the purposes of this Act will be executed by such order shall adjudge
23 that such operation shall be performed and shall appoint one of the authority
24 signing such report to perform the operation of vasectomy or ephorectomy, as
25 the case may be, upon such person. The State's attorney of the county in which
26 the hearing is had may be directed by the court to represent the State in the
27 proceedings. Such operation shall be performed in a safe and humane man-
28 ner, and the surgeon performing the operation shall receive from the State such
29 compensation for the service rendered as the Board of Administration shall
30 deem reasonable.

Sec. 2. Except as authorized by this Act, every person who shall perform,
2 encourage, assist in or otherwise promote the performance of either of the op-
3 erations, described in Section 1 of this Act, for the purpose of destroying the
4 power to procreate the human species, or any person who shall knowingly per-
5 mit either of such operations to be performed upon such persons, unless the
6 same shall be a medical necessity, shall be fined not more than one thousand
7 (\$1,000.00) dollars, or imprisoned in the county jail not exceeding one (1) year,
8 or both.



- 1 Introduced by Mr. Mitchell, Jan. 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Cor-
porations, when appointed.

A BILL

For an Act to amend Section 3 of an Act entitled, "An Act to provide for the setting apart, formation and disbursement of a Police Pension Fund in cities, villages and incorporated towns," approved April 29, 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in force July 1, 1899, as amended by an Act approved May 11, 1901, in force July 1, 1901, as amended by an Act approved and in force May 16, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 3 of an Act entitled, "An
3 Act to provide for the setting apart, formation and disbursement of a Police
4 Pension Fund in cities, villages and incorporated towns," approved April 29,
5 1887, in force July 1, 1887, as amended by an Act approved April 24, 1899, in
6 force July 1, 1899, as amended by an Act approved May 11, 1901, in force July
7 1, 1901, as amended by an Act approved and in force May 16, 1903, be amend-
8 ed so as to read as follows:

9 Sec. 3. The persons entitled to the benefits of this Act shall include all
10 members of the regularly constituted police force and all police operators in the

11 Police Department of such city, village or town as may be now members there-
 12 of: *Provided, however,* that any such police operator, upon paying into the fund
 13 the amount of one per cent of the salary received during his period of service
 14 prior to the going into effect of this Act, shall become entitled to all the benefits
 15 hereof from the date of the beginning of such period of service: *Provided, fur*
 16 *ther,* that such payment shall be made within a period of one year from and after
 17 the time this Act goes into effect. Whenever any person at the time of the taking
 18 effect of said Act, to which this is an amendment, or thereafter shall be duly ap-
 19 pointed and sworn, and have served for the period of twenty years or more upon
 20 the regularly constituted police force or as a police operator of the Department of
 21 Police of such city, village or town of this State, subject to the provisions of this
 22 Act, or where the combined years of service of any person upon the police force
 23 or as a police operator and the Fire Department, as aforesaid, of such city, vil-
 24 lage or town of this State, shall aggregate twenty years or more, said board shall
 25 order and direct that such person after twenty years of service on such police
 26 force or as such operator shall have ceased, and all officers or operators entitled
 27 to and having a pension under said Act, to which this is an amendment, after the
 28 taking effect of this Act shall be paid from such fund a yearly pension equal to
 29 one-half the amount of salary attached to the rank or grade which he may have
 30 held on said police force or as such operator for one year immediately prior to
 31 the time of such retirement: *Provided, however,* the maximum of said pension
 32 shall not exceed the sum of \$900 and the minimum not less than \$600. And after
 33 the decease of such member, his widow or minor child or children under sixteen
 34 years of age, if any survive him, shall be entitled to the pension, provided for
 35 in this Act of such a deceased husband or father; but nothing in this or any
 36 other section of this Act shall warrant the payment of any annuity to any widow
 37 of a deceased member of said police department after she shall have re-married:
 38 *And provided, further,* that all police officers retired after twenty years' service
 39 in the police department of such city, village or town, and who are above the age
 40 of fifty years now on the police pension rolls, shall receive the same pension now
 41 allowed them: *Provided,* that in no case shall said pension exceed the sum of

42 nine hundred dollars (\$900.00): *And provided*, further, that the benefits of this
43 Act shall be held to extend to police operators employed in the Department of
44 Police of any such city, village or town of this State.



- 1 Introduced by Mr. Pervier, Jan. 14, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to amend Section 36 of an Act entitled, "An Act concerning fees and salaries, and to classify the several counties of this State with reference thereto," approved March 29, 1872, in force July 1, 1872. Section 1 amends Section 36, Act of 1872; Section 36, as amended.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly.* That Section 36 of an Act entitled, "An
3 Act concerning fees and salaries, and to classify the several counties of this
4 State with reference thereto," approved March 29, 1872, in force July 1, 1872, be
5 and the same is hereby amended to be as follows:

6 Sec. 36. The following named town officers shall be entitled to compensation
7 at the following rates, for each day necessarily devoted by them to the services
8 of the town, in the duties of their respective offices.

9 The Town Clerk, Supervisor and Overseer of the Poor, shall receive for their
10 services *three* dollars per day, when attending to town business out of town, and
11 *two dollars and fifty cents* for town business in their town. This additional pay
12 per diem to include the supervisors and assistant supervisors who are residents

13 of the county seat while the board of supervisors are in regular session or en-
 14 gaged in regular committee work: *Provided*, that the supervisors, when attend-
 15 ing to their duties as overseers of the poor, shall be regarded as town officers,
 16 and their compensation for services as such overseers of the poor shall be fixed
 17 by the town board of auditors and be paid out of the town fund and a tax levy
 18 be made to cover same at the annual town meeting. The compensation of the
 19 overseer of the poor to be fixed at the annual meeting in March each year: *And*,
 20 *provided, further*, that the town clerk shall receive fees, and not a per diem, for
 21 the following services:

22 For serving notices of election upon town officers, as required by law,
 23 twenty-five cents each.

24 For filing any paper required by law to be filed in his office, ten cents each.

25 For posting up notices required by law, twenty-five cents each.

26 For recording any order or instrument of writing authorized by law, eight
 27 cents for each one hundred words.

28 For copying any record in his office, and certifying to the same, eight cents
 29 for every one hundred words, to be paid by the person applying for the same.

30 For copying by-laws for posting or publication, eight cents for each one hun-
 31 dred words, to be paid by the town.

32 The town assessor shall receive for his services as assessor, two dollars and
 33 fifty cents per day: *Provided*, that in towns of fifty thousand inhabitants and
 34 upwards, in counties of the third class, the assessor shall receive five dollars
 35 per day.

36 The pound master shall be allowed the following fees for his services, to-
 37 wit:

38 For taking into the pound and discharging therefrom horses, asses, mules
 39 and meat cattle, ten cents each; sheep or lambs, three cents each; and swine,
 40 large or small, five cents each.

41 He may also be allowed to receive his reasonable charges for the keeping
 42 of such animals. The amount which he shall charge therefor may be regulated
 43 by the town meeting.

44 The officers composing the board of appointment, in case of vacancy, when
45 they shall meet for that purpose, and the officers composing the board of town
46 auditors, shall each be entitled to one dollar and fifty cents a day for their ser-
47 vices.

48 No justice of the peace or town officer shall be entitled to any fee or com-
49 pensation from any individual elected or appointed to a town office for adminis-
50 tering to him the oath of office.

51 Each town or district collector shall be allowed a commission of two per
52 cent, on all moneys collected by him, to be paid out of the respective funds col-
53 lected: *Provided*, that in any case where the compensation so allowed shall be
54 insufficient, the town or county board may allow an additional compensation or
55 per diem in lieu of other or greater commissions, in which case said additional
56 compensation shall be paid out of the town or county treasury, as the case may
57 require: *And, provided, further*, that all excess of commissions and fees over
58 *five hundred* dollars shall be paid into the town or district treasury.



1 Adopted April 21, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 51 by striking out all of Section 36 after the word
2 “further” in line 57 of the printed bill and inserting in lieu thereof the follow-
3 ing words: “that all excess of commissions and fees over fifteen hundred dol-
4 lars in counties of the first and second class and over three thousand dollars in
5 counties of the third class shall be paid into the town or district treasury:
6 *Provided, however,* that the Town Board of Auditors of any town may, prior to
7 the election of a town collector, fix the maximum amount at a lesser sum than
8 provided herein.”



- 1 Introduced by Mr. Ryan (by request), Jan. 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to provide, in counties of the third class, for the licensing of court reporters, and to regulate the practice of court reporting.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That a committee for the examination of court reporters be and the same is hereby created, the members of which committee shall be appointed by the judges of the Appellate Court of the First District of Illinois, as hereinafter provided. The duty of such committee shall be to carry out the purposes and enforce the provisions of this Act.

Sec. 2. The said judges shall, as soon as conveniently may be after the passage of this Act, appoint as such committee of examiners of court reporters aforesaid, three persons, at least two of whom shall be skilled in the practice of shorthand court reporting, and shall have been actively engaged therein in the State of Illinois for at least ten years prior to the passage of this Act, and the third member of such committee shall be an attorney who shall have been in active practice in this State for at least ten years prior to the passage of this Act. The term of office of the members of such committee shall be three years,

9 except that of the first committee appointed under this Act, one member shall
10 hold office for one year, one member for two years and one member for three
11 years. The said judges shall also fill any vacancy that may occur in such com-
12 mittee.

Sec. 3. The members of the said committee shall, within one month after
2 their appointment, elect from their number a president, and also a secretary,
3 who shall be the treasurer. The treasurer, before entering upon his or her
4 duties, shall file with the State Treasurer a bond for one thousand dollars, con-
5 ditioned upon the faithful performance of his or her duties. The committee
6 shall make and publish rules for the examination of persons applying for licenses
7 under this Act, and shall pass on the qualifications of such persons. The commit-
8 tee shall adopt and enter on its records rules and regulations not inconsistent
9 with this Act, to govern its proceedings, and also a seal, of which the secretary
10 shall have the care and custody, and shall keep a record of all proceedings of
11 the committee, including a register of the names of all the court reporters
12 licensed under this Act, which register shall be at all reasonable times open to
13 public inspection. The committee shall prosecute all persons violating any of
14 the provisions of this Act, and may incur necessary expenses on that behalf.
15 Each member of the committee shall receive the sum of ten dollars for each
16 day actually spent in the conducting of examinations, together with actual ex-
17 penses incurred in attending meetings of said committee, such compensation and
18 expenses to be paid from moneys received by the committee as examining fees;
19 and no part of said expenses or compensation shall be paid out of the State
20 Treasury. All moneys received in excess of said compensation and expenses
21 shall be held by the treasurer of the committee for meeting the expenses of said
22 committee and the cost of the annual report of said committee.

Sec. 4. The committee shall hold meetings and conduct examinations at
2 such times and places as may be prescribed by rules to be entered upon their
3 records, as provided in the third section of this Act, and shall register and issue
4 a license to each applicant found qualified to receive the same.

Sec. 5. No person shall be eligible for a license under this Act unless he
2 or she shall have been a resident of the State of Illinois for at least one year
3 prior to the date of his or her application, and shall have paid to the treasurer
4 of the committee a fee of ten dollars.

Sec. 6. The term "court reporter," wherever used in this Act, shall be
2 understood to mean any person who for the general public shall practice the
3 business or profession of reporting in shorthand proceedings in any of the
4 courts of this State, or before any officer or person authorized to take testimony
5 of witnesses.

Sec. 7. No person shall practice the business or profession of a court re-
2 porter for the general public in any of the courts of this State, in counties to
3 which this Act applies, or before any officer or person authorized to take tes-
4 timony of witnesses in such counties, without first having obtained a license as
5 herein provided: *Provided*, that nothing herein shall prevent unlicensed re-
6 porters from acting, with the consent of the presiding judge, in ex parte hear-
7 ings or default cases, nor from taking depositions upon stipulation or notice of
8 counsel: *Provided, further*, that if at any time it shall appear to the judge or
9 other officer or person before whom a trial or hearing is about to be had that a
10 licensed reporter cannot be secured, such judge, officer or other person may
11 authorize the employment of an unlicensed reporter until a licensed reporter
12 can be secured.

Sec. 8. Every person so licensed as aforesaid shall record his or her
2 license with the county clerk of his or her county, who shall keep a record there-
3 of in a book provided for that purpose, and who shall charge the sum of twenty-
4 five cents for the recording of each license. Such license must be so filed for
5 record within three months after its issuance.

Sec. 9. Said committee shall issue a license under this Act, without exam-
2 ination, to any court reporter holding, at the time of the passage of this Act, an
3 appointment as official reporter by virtue of the provisions of an Act entitled,
4 "An Act to authorize the judge of the Circuit Courts to appoint shorthand re-

5 porters for the taking and preservation of evidence and to provide for their
 6 compensation; approved May 31st, 1887, in force July 1st, 1887," in any court of
 7 this State, and to any person who shall satisfy the committee that he or she is
 8 a person of good moral character and has been actively and continuously en-
 9 gaged in the State of Illinois in the business of court reporting for the general
 10 public for at least ten years prior to the passage of this Act.

Sec. 10. Every licensed court reporter shall sign his or her name with the
 2 words, "Official Shorthand Reporter," to all transcripts made by him or her
 3 to be used in any court.

Sec. 11. The committee, after a hearing, may for sufficient cause, revoke any
 2 license issued under this Act: *Provided*, that twenty days' prior notice of the
 3 time and place of such hearing shall be given to the holder of such license,
 4 at which time such holder of said license may appear and present evidence.

Sec. 12. If any person without having received a license as provided in
 2 this Act, shall represent himself or herself to the public, or to any person de-
 3 siring the services of a court reporter, as having received such a license, or shall
 4 assume to practice as a licensed court reporter, or shall use the title, "Official
 5 Shorthand Reporter," or the abbreviations, "O. S. R.," or any similar words or
 6 letters to indicate that the person using the same is a licensed court reporter;
 7 or if any court reporter whose license shall have been revoked as provided in
 8 this Act shall continue to practice as a licensed court reporter, he or she shall
 9 be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined
 10 a sum not less than fifty dollars (\$50.00) nor more than two hundred dollars
 11 (\$200.00) for each offense.

Sec. 13. Any person who shall violate any section or provision of this Act
 2 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be
 3 fined a sum not less than fifty dollars (\$50.00) nor more than two hundred dol-
 4 lars (\$200.00) for each offense.

Sec. 14. This Act shall be applicable only to counties of the third class.



- 1 Introduced by Mr. Seanlan, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Sections eight (8) and ten (10) of an Act entitled "An Act requiring reports of births and deaths, and the recording of the same and prescribing a penalty for non-compliance with the provisions thereof, and repealing certain Acts therein named," approved May 6, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections eight (8) and ten (10) of
3 an Act entitled "An Act requiring reports of births and deaths, and the record-
4 ing of the same and prescribing a penalty for non-compliance with the provis-
5 ions thereof, and repealing certain Acts therein named," approved May 6, 1903,
6 in force July 1, 1903, be amended so as to read as follows:

7 Sec. 8. It shall be the duty of the commissioners of health, or the city or
8 village officials in the cities referred to in Section 4 of this Act, by whom burial
9 or removal permits are issued, and to whom certificates or reports of death are
10 presented, to deliver to the State Board of Health at Springfield, on or before
11 the tenth day of each month all certificates of death presented to him during the

12 preceding month, *and for each death report so made such official shall be paid*
13 *the sum of ten (10) cents.*

14 Sec. 10. The fees provided in Sections 2, 7 *and* 8 of this Act are hereby
15 made and declared to be a charge upon the county in which said fees may ac-
16 crue, and the county clerk of the respective counties shall, upon the request of
17 any person entitled to said fees in his county, issue to such person his warrant
18 upon the county treasurer of said county for the amount of fees due such person
19 under this Act, and the county treasurer of said county shall pay the same upon
20 presentation out of any money belonging to the county not otherwise appropri-
21 ated: *Provided*, that no payment shall be made under the provisions of Sec-
22 tions, 2, 7 *and* 8 of this Act in the case of still birth where the period of gesta-
23 tion is less than seven months.

24 It shall be the duty of the board of supervisors in counties under township
25 organization, and the board of county commissioners in counties not under
26 township organization, to appropriate such sums as may be necessary for said
27 purpose.



- 1 Introduced by Mr. Shepherd, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Railroads, when
appointed.

A BILL

For an Act amending an Act in relation to fencing and operating railroads, approved March 31, 1874, in force July 1, 1874.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That an Act entitled an "An Act in re-
3 lation to fencing and operating railroads," approved March 31, 1874, in force
4 July 1, 1874, be amended by adding to said Act additional sections, to be known
5 as Sections 39, 40 and 41, as follows:

6 Sec. 39. It shall be unlawful for any railroad company organized under
7 the laws of the State of Illinois, or operating any line of railroad within the
8 State of Illinois, to carry, convey or transport milk, skimmed milk or cream for
9 any distance exceeding twenty (20) miles, in any car not provided with refriger-
10 ator equipment and containing ice in sufficient quantities so that the temperature
11 in said car, during all of the time in which milk, skimmed milk and cream is be-
12 ing carried, conveyed and transported by said railroad company, may be main-
13 tained at a point below fifty (50) degrees Fahrenheit. And it shall be the duty

14 of every railroad company carrying, conveying and transporting milk, skimmed
 15 milk and cream, to furnish and provide refrigerator cars, properly iced and
 16 cooled to a temperature below fifty (50) degrees Fahrenheit, during all of the
 17 time that any such milk, skimmed milk or cream may be in the possession of and
 18 carried, conveyed and transported by said railroad company; except that any
 19 such railroad company may receive milk, skimmed milk and cream for shipment
 20 in bottles, boxes, retainers and cans where the same, in the original package as
 21 shipped, is iced and packed with ice so that the same may and shall be kept at a
 22 temperature below fifty (50) degrees Fahrenheit during all of the time of its
 23 transportation upon any such railroad, or connecting railroad, to the final point
 24 of destination.

25 Sec. 40. It shall be unlawful for any railroad company in the State of Illi-
 26 nois, carrying, conveying or transporting milk, skimmed milk or cream within
 27 said State, to receive, charge or collect for the carrying, conveying and trans-
 28 porting of the same any amount in excess of the following rates and charges
 29 for freight, and the icing and cooling and furnishing of refrigerator cars, as
 30 aforesaid, for the conveying and transporting of said milk, to-wit:

31 For a distance of over 20 and not exceeding 50 miles, not exceeding $1\frac{1}{4}$ cents
 32 per gallon;

33 For a distance over 50 and not exceeding 75 miles, $1\frac{1}{2}$ cents per gallon;

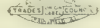
34 For a distance over 75 miles and not exceeding 125 miles, 2 cents per
 35 gallon;

36 For any distance exceeding 125 miles a proportionate amount, in accordance
 37 with the distance, based upon the rate of 2 cents per gallon for 125 miles.

38 For furnishing refrigerator cars, icing the same and maintaining the tem-
 39 perature during all of the time of shipment at fifty (50) degrees Fahrenheit and
 40 below a rate of charges equal to $1\frac{1}{2}$ cents per gallon for each eight (8) hours
 41 consecutively that any such railroad company may be required to furnish refrig-
 42 erator cars and ice and maintain temperature of the same: *Provided*, that for
 43 any distance not exceeding 200 miles, any such railroad company shall not be
 44 permitted to make but one such charge for any single day's shipment: *Pro-*

45 *vided, further*, no railroad company shall receive, charge or collect any further
46 amount for carrying, transporting and returning the receptacles containing such
47 milk, skimmed milk or cream to the place of shipment.

48 Sec. 41. Any railroad company violating any provision of this Act shall be
49 subject to a fine not exceeding five thousand (\$5,000) dollars; and any agent, ser-
50 vant, employee or officer of any railroad company taking, receiving, handling,
51 carrying, conveying or transporting any milk, skimmed milk or cream for any
52 distance not exceeding two hundred miles in violation of any of the terms of this
53 Act, shall be subject to a fine of not exceeding one thousand (\$1,000) dollars, or
54 by imprisonment in the county jail not exceeding six months, or both such fine
55 and imprisonment.



- 1 Introduced by Mr. Shepherd, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Live Stock and
Dairying, when appointed.

A BILL

For an Act to prohibit the establishing and enforcing of the Tuberculin test for Dairy animals by any city, village incorporated town, county or other corporate authority in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any city, village, incorporated town, county or other corporate authority in the State of Illinois by ordinance, rule or regulation other than may be established by the law of this State to demand, fix, establish or require the Tuberculin test to be applied to Dairy animals as a means or measure of regulating and purifying milk, skimmed milk, cream and Dairy products of said animals in any manner whatever, and every such ordinance rule, by-law or regulation heretofore or hereafter passed demanded, fixed, established or required by any such city, village, incorporated town, county or other corporate authority other than the State of Illinois, is hereby declared to be void and of no effect.



1 Introduced by Mr. Shepherd, Jan. 24, 1911.

2 Read by title, ordered printed and referred to Committee on Live Stock and
Dairying, when appointed.

A BILL

For an Act to amend an Act entitled, "An Act to amend an Act entitled, 'An Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals,' " approved June 27, 1885, in force July 1, 1885, approved and in force April 20, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That an Act entitled "An Act to amend an Act entitled, 'An Act to revise the law in relation to the suppression and prevention of the spread of contagious and infectious diseases among domestic animals,' " approved June 27, 1885, in force July 1, 1885, approved and in force April 20, 1887, be amended and revised by adding to said Act four sections to be known as Sections 16, 17, 18 and 19.

Sec. 16. It shall be lawful for the Board of Livestock Commissioners, upon the written application of any person desiring to ship dairy or breeding cattle out of the State of Illinois, and upon the presentation to said Board or any of its officials of a written application, signed by the owner or agent of said owner, setting out the name of the owner, the location of the cattle, the point to which

13 it is intended to make shipment outside of the State of Illinois, with a descrip-
 14 tion of the animals to be tested, for said Board or the state veterinarian or his
 15 deputies acting under said Board of Livestock Commissioners, in pursuance of
 16 such rules and regulations as may be fixed and determined by said Board of
 17 Livestock Commissioners, to apply the tuberculin test to any such dairy or
 18 breeding cattle and to grant certificates upon the same, said tests to be made
 19 upon the payment, in advance, of the required fee therefor, which shall not in any
 20 case exceed one dollar per head. Upon any and all tests being made in pursu-
 21 ance of this Act, a duplicate copy of all such tests, with a description of the ani-
 22 mal and a copy of the chart showing temperatures and other facts and circum-
 23 stances surrounding the test shall be attached to the original petition and filed
 24 with the Board of Livestock Commissioners.

25 Sec. 17. It shall be unlawful for any railroad company, railway company,
 26 steamboat company, corporation, person or persons to ship, convey, transport,
 27 lead drive or bring into the State of Illinois from any other State or country any
 28 dairy or breeding animal of the cattle kind except such dairy or breeding ani-
 29 mal is accompanied by a certificate issued and granted under and by virtue of
 30 the authority of the State or foreign country from which said animal is shipped,
 31 brought or procured, certifying, under the authority and seal of said State, that
 32 said dairy or breeding animal is free of all contagious and infectious diseases,
 33 including tuberculosis: *Provided, however,* that animals of the cattle kind, cows,
 34 heifers and bulls, may be shipped from States and countries outside of the State
 35 of Illinois to the Union Stock Yards at Chicago, the Stock Yards at Peoria and
 36 the Stock Yards at East St. Louis, or any public stock yards in the State of
 37 Illinois, for the purposes of selling, for slaughter and beef, without said certifi-
 38 cate, but for no other purpose. And it shall be unlawful for any company, cor-
 39 poration, person or persons to ship, transport, lead, drive or bring into the State
 40 of Illinois to buy, sell or trade any dairy or breeding animal cow, heifer or bull
 41 shipped, conveyed or brought from outside of the State of Illinois into the State
 42 of Illinois, for dairy or breeding purposes, except and unless said animal is
 43 accompanied by a certificate granted by the authority, and under the seal of the

44 State or country from which said animal is shipped, transported or brought,
45 that said animal, cow, heifer or bull, is free from all contagious and infectious
46 diseases including the disease of tuberculosis.

47 Sec. 18. It shall be unlawful for any company, corporation, commission
48 firm, person or persons, at the Union Stock Yards in Chicago, at the Stock
49 Yards in Peoria or at the Stock Yards at East St. Louis, or any public stock
50 yards, in the State of Illinois, to sell, bargain, trade, ship, transfer, lead, drive
51 or take any animal of the cattle kind, cow, heifer or bull, for dairy or breeding
52 purposes, at either or any of said stock yards, or from said stock yards, to any
53 point within the State of Illinois, except and unless said animal or animals shall
54 be inspected by and under the authority of the Board of Livestock Commission-
55 ers of the State of Illinois and found and certified by said Board, its agent or
56 deputy, to be free from all contagious and infectious diseases, including the dis-
57 ease of tuberculosis. And any person or persons, corporation or company buy-
58 ing, selling, transporting, carrying, driving or handling any such animal in vio-
59 lation of this Act and contrary to the provisions herein, shall be deemed to
60 have violated the provisions of this section.

61 Sec. 19. Any railroad company, stockyards company, corporation, person
62 or persons violating any of the provisions of this Act shall be deemed guilty of
63 a misdemeanor and punished by a fine not exceeding five thousand (\$5,000)
64 dollars or by imprisonment in the county jail not exceeding six months, or by
65 both, in the discretion of the court.



- 1 Introduced by Mr. Shurtleff, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to provide for the establishment, erection and maintenance of a sanitarium or sanitariums for the care and cure of persons suffering from tuberculosis.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the sum of five hundred thousand
3 (\$500,000) dollars is hereby appropriated for the purpose of buying land, build-
4 ing buildings, erecting and maintaining a sanitarium, or not to exceed three
5 sanitariums, in the State of Illinois for the care and cure of persons suffering
6 from tuberculosis.

Sec. 2. It shall be the duty of the Board of Administration of the State of
2 Illinois to select a site or sites, not exceeding three, at different localities in the
3 State, or in such locality as the Board of Administration may determine, and
4 to purchase land for such sites, not exceeding twenty thousand (\$20,000) dollars
5 for any one site, and upon any such site selected to build such buildings, camps
6 and a sanitarium as may be proper, necessary and convenient for the care and
7 cure of persons suffering from tuberculosis.

Sec. 3. Upon the completion of any sanitarium, the Board of Administration of the State of Illinois shall select a superintendent and such other officers, agents, assistants, nurses and physicians as may be needed and required, and admit to said sanitarium or sanitariums citizens of the State of Illinois suffering from tuberculosis, and furnish to them such care and cure as may be proper and necessary, under all such rules and regulations as may be determined by the said State Board of Administration.

Sec. 4. The Auditor of Public Accounts is hereby authorized and empowered to issue warrants upon the State treasury, not to exceed the sum of five hundred thousand (\$500,000) dollars, upon presentation of the vouchers of the said Board of Control, for the expenditures of all proper and necessary funds made under and in pursuance of this Act, when properly approved by the Governor of the State of Illinois, such warrants to be paid by the State Treasurer out of any moneys in the State treasury not otherwise appropriated.



1 Adopted May 15, 1911

AMENDMENT NO. 1.

Amend House Bill No. 57 by striking out the words and figures “Five
2 hundred thousand dollars (\$500,000)” in Section 1 of the bill and insert in lieu
3 thereof the words and figures “Twenty-five thousand dollars (\$25,000)”.

AMENDMENT NO. 2.

Amend House Bill No. 57 by striking out in Section 2 the words and figures,
2 “Twenty thousand dollars (\$20,000)” and inserting in lieu thereof the words and
3 figures “Fifteen thousand dollars (\$15,000)”.

AMENDMENT NO. 3.

Amend House Bill No. 57 by striking out in Section 4 the words and figures
2 “Five hundred thousand dollars (\$500,000)” and insert in lieu thereof the words
3 and figures “Twenty-five thousand dollars (\$25,000)”.



- 1 Introduced by Mr. Shurtleff, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice, when appointed.

A BILL

For an Act to provide compensation of attorneys appointed by court to defend persons charged with crime; when such persons shall be destitute of means to procure counsel.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That whenever services are rendered to
3 a defendant in any criminal case by counsel in pursuance of assignment of such
4 counsel by the court, the court in which such defendant is tried, or in which the
5 action, information or indictment is otherwise disposed of, or by which the ap-
6 peal is finally determined, such court may allow such counsel his personal and
7 incidental expenses upon a verified statement thereof being filed with the clerk
8 of such court; and also reasonable compensation for his services in such court, not
9 exceeding, when the offense charged is punishable by death, or upon any appeal
10 from judgment of death, the sum of five hundred dollars, and in all other cases
11 not exceeding the sum of two hundred dollars, which allowance shall be a
12 charge upon the county in which the indictment is found or in which the infor-
13 mation is filed, to be paid upon the certificate of the judge presiding at the trial

14 or otherwise disposing of the indictment or information or upon the certificate
15 of the appellate court, or the supreme court, but no such allowance shall be made
16 unless an affidavit is filed with the clerk of the court where such allowance is
17 sought by or on behalf of the defendant showing that he is wholly destitute of
18 means.



1 Introduced by Mr. Swanson, January 24, 1911.

2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act in relation to the abandonment of wives and children.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* That every person who having a wife
3 and also having a child or children under the age of twelve years in destitute
4 or necessitous circumstances, shall, without good cause, abandon and neglect and
5 refuse to maintain and provide for his said wife, and for any one or more of
6 his said children, shall be deemed guilty of a misdemeanor, and on conviction
7 thereof shall be punished by a fine of not less than one hundred dollars or
8 more than five hundred dollars, or by imprisonment in the county jail, house
9 of correction or workhouse for not less than one month nor more than twelve
10 months, or by both such fine and imprisonment.

Sec. 2. In case of the imposition of a fine the court shall direct it to be
2 paid, in whole or in part, to the wife, or to be applied, under the direction of
3 the court, to the support and maintenance of the wife and said child or chil-
4 dren of the defendant, and in case the court fixes the punishment, in whole or
5 in part, at imprisonment in the house of correction or workhouse, the earnings

6 of the defendant while so imprisoned in such house of correction or workhouse,
7 which earnings are hereby fixed at one dollar and fifty cents per day, shall be
8 paid at the end of each week by the superintendent or keeper of such house of
9 correction or workhouse to the said wife for the maintenance and support of
10 herself and such child or children.

Sec. 3. Before the trial (with the consent of the defendant) or after con-
2 viction, instead of imposing the punishment hereinbefore provided, or in addi-
3 tion thereto, the court, in its discretion, having regard to the circumstances
4 and financial ability of the defendant, shall have power to enter an order, which
5 shall be subject to change by it from time to time as the circumstances may re-
6 quire, directing the defendant to pay a certain sum weekly for one year to the
7 wife for the support and maintenance of herself and such child or children, and
8 to release the defendant from custody, on probation, for the space of one year,
9 upon his entering into a recognizance, either or without sureties, in such sum as
10 the court may direct, conditioned that, if the defendant shall make his personal
11 appearance in court whenever ordered to do so within a year, and shall further
12 comply with the terms of the order, then the recognizance shall be void, other-
13 wise to remain in full force and effect but if the court be satisfied by informa-
14 tion and due proof, under oath, that at any time during the year the defendant
15 has violated the terms of such order, it may forthwith proceed with the trial
16 of the defendant under the original information or complaint, or may sentence
17 him under the original conviction, as the case may be. In the case of the for-
18 feiture of the recognizance and the enforcement thereof by execution the sum
19 recovered may, in the discretion of the court, be paid, in whole or in part, to
20 the wife.

Sec. 4. No evidence shall be required to prove the marriage of such hus-
2 band and wife, or that such person is the lawful father of such child or children
3 than such as is or shall be required to prove said facts in a civil action, and
4 such wife shall be a competent witness to testify in any case brought under this

5 act, and to any and all matters relevant thereto, including the fact of such mar-
6 riage and the parentage of such child or children.

Sec. 5. All acts and portions thereof in conflict herewith are hereby re-
2 pealed.



- 1 Introduced by Mr. Tice (by request), January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections, when
appointed.

A BILL

For an Act granting women the right to vote for certain officers and to participate
and vote in certain matters and elections.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That all women, citizens of the United
3 States, above the age of twenty-one years, having resided in the State one year,
4 in the County ninety days, and in the election district thirty days, next pre-
5 ceding any election therein, shall be allowed to vote at such election for mem-
6 bers of the State Board of Equalization, members of Board of Assessors,
7 members of Board of Review, Sanitary District Trustees and for all officers
8 of cities, villages and towns (except police magistrates) and upon all questions
9 or propositions submitted to a vote of the electors of such municipalities or
10 other political divisions of this State.

Sec. 2. All such women may also vote for the following township officers:
2 Supervisor. Town Clerk. Assessor, Collector and Highway Commissioner and
3 may also participate and vote in all annual and special town meetings in the
4 township in which such election district shall be .

Sec. 3. Separate ballot boxes and ballots shall be provided for women which
2 ballots shall contain the names of the candidates for such offices which are to be
3 voted for, and the special questions submitted as aforesaid, and the ballots cast
4 by women shall be canvassed with the other ballots cast for such officers and on
5 such questions. At any such election where registration is required women shall
6 register in the same manner as male voters.



- 1 Introduced by Mr. Vickers, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to build an armory in the city of Woodstock.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That twenty-five thousand dollars, or so
3 much thereof as may be necessary, is hereby appropriated to pay for appropriate
4 land and for the erection of an armory for the use of the several military or-
5 ganizations of the Illinois National Guard located in the city of Woodstock, Mc-
6 Henry County, Illinois; the site to be approved by the Governor and the Adju-
7 tant General.

Sec. 2. The Auditor of Public Accounts is authorized to draw his warrants
2 for the sum herein specified upon the presentation of the proper vouchers certified
3 to by the Adjutant General and approved by the Governor, and the Treasurer
4 shall pay the same out of the money hereby appropriated.



- 1 Introduced by Mr. G. H. Wilson, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Farm Drainage when
appointed.

A BILL

For an Act to amend Section 3 of an Act entitled, “An Act to require drainage districts lying above a lower drainage district, or emptying into a lower drainage district, whether such districts be organized under the same or different drainage laws of this State, to pay to the lower drainage district, for benefits received, if any, by the lands of the upper district, by the enlarging or improving of the ditches or drains of the lower district, or the construction of an outlet or outlets for the ditches or drains of the lower district, within or outside the boundaries of said lower district; and to provide for the collection and payment of such benefits;” approved May 14, 1903, in force July 1, 1903.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 3 of an Act entitled, “An
3 Act to require drainage districts lying above a lower drainage district, or
4 emptying into a lower drainage district, whether such districts be organized
5 under the same or different drainage laws of this State to pay to the lower drain-
6 age district, for benefits received, if any, by the lands of the upper district, by
7 the enlarging or improving of the ditches or drains of the lower district, or the

8 construction of an outlet or outlets for the ditches or drains of the lower dis-
9 trict, within or outside the boundaries of said lower district; and to provide
10 for the collection and payment of such benefits;" approved May 14, 1903, in
11 force July 1, 1903, be and the same hereby is amended to read as follows:

Sec. 3. Upon the filing of such petition summons shall issue out of said
2 court against such upper district or districts, or district or districts emptying
3 into such lower district, which summons may be directed to any county in this
4 State for service and return, and which summons shall be served upon the Com-
5 missioners of such upper district or districts, or district or districts emptying
6 into such lower district, as in common law cases. Said cause shall be heard and
7 tried at any probate or common law term of said court, and the practice shall be
8 as in cases at common law.

9 Whereas, an emergency exists, therefore this Act shall be in force from and
10 after its passage and approval.



- 1 Introduced by Mr. McLaughlin, January 24, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to provide for the expenses of the voyage of the Torpedo Boat from
Charleston, S. C., to Chicago, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly: That five thousand fifteen dollars
(\$5,015.00) or so much thereof as may be necessary, is hereby appropriated to
pay the expenses of the voyage of Torpedo Boat from Charleston, S. C., to Chi-
cago, Illinois.

Transportation, Chicago to Charleston, 25 men and 3 officers.....	\$ 980.00
Subsistence, 28 officers and men, 6 weeks	588.00
Pilotage (some places compulsory).....	300.00
Pay of officers and men.....	2,047.00
Coal	600.00
Miscellaneous expenses	500.00
Total.....	\$5,015.00

The Auditor of Public Accounts is hereby authorized and directed to draw
his warrant for the sum herein specified, upon the presentation of proper vouch-

15 ers, certified to by the Adjutant General and approved by the Governor, and
15 the Treasurer shall pay the same out of the money hereby appropriated.

17 Whereas, an emergency exists; therefore, this Act shall be in force from
18 and after the date of its passage and approval.



1 Introduced by Mr. Alexander, January 25, 1911.

2 Read by title, ordered printed and referred to Committee on Education, when
appointed.

A BILL

For an Act to provide a way by which the People of a township may consolidate the
School Districts of the Township into one School District.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That in any school township divided into
3 five or more school districts, lying wholly or in part within said township, upon
4 a petition of not less than fifty voters, and in which at least one-half of the dis-
5 tricts shall be represented by at least five voters each, filed with the township
6 treasurer at least thirty days preceding the regular election of school trustees,
7 it shall be the duty of said treasurer to notify the voters of said township that an
8 election "For" or "Against" one township school district will be held at the
9 said next regular election of trustees, by posting notices of such election at or
10 near each school house in such township, and by delivering a copy thereof to the
11 clerk or president of each board of school directors, board of education or other
12 like school board in the township, at least ten days before the day of such election,
13 which notices may be in the following form, viz:

TOWNSHIP SCHOOL DISTRICT ELECTION.

14 Notice is hereby given, that on Tuesday, the.....day of April, A. D.

15 , an election will be held at.....for the purpose
 16 of voting "For" or "Against" one township school district in township No.
 17 , Range , being at the next regular election of school trustees
 18 and other township officers.

19 A. B.
 20 Township Treasurer.

21 The treasurer shall also notify the town clerk, who shall include the above
 22 proposition in the ballots provided for such election. The vote thereon shall be
 23 canvassed and returned as in other cases, and the town clerk shall certify the
 24 result to the school trustees.

Sec. 2. If a majority of the voters in said school township voting on this
 2 subject shall vote in favor of one township school district, it shall be the duty
 3 of the trustees of the township to call a special election to be held on any Satur-
 4 day, prior to the first day of July, for the election of five school directors for
 5 such township school district. The members elected shall determine by lot, at
 6 their first meeting, the length of term each is to serve. The terms shall be two
 7 one year, two two years, and one three years, from the time of the preceding
 8 town election. Whenever a vacancy occurs (except by death or resignation) a
 9 successor or successors shall be elected, each of whom shall serve for three
 10 years, which subsequent elections shall be held upon the same day and in the
 11 same manner as the election of township trustees. In cases of vacancy from
 12 other cause than the expiration of the term of office, the unexpired term shall
 13 be filled by election at the next regular election.

Sec. 3. The schools of any township adopting one township district shall
 2 remain in the care of the several district boards of school directors until the
 3 first day of July subsequent to the time the township district is adopted. Upon
 4 the first day of July after the township district is adopted, the township board
 5 of directors shall take charge of all the schools of the township, and all of the
 6 school property and funds of the several school districts shall become the prop-

erty and funds of the township district into which the several school districts shall then have been consolidated.

Sec. 4. It shall be the duty of the school directors under this Act to provide schools for the different parts of the district and may consolidate the schools as they deem best, and they shall have all the power given to school directors by the law of this State.

Sec. 5. In case any part of the township adopting a township school district as herein provided, is, at the time of such adoption, part of a school district lying partly in two or more townships, the property of such district shall be divided, as in the manner by law provided, for the division of school property in other cases of dissolution or divisions of such school districts.

Sec. 6. When any township shall have adopted one school district, as provided for in this Act and wishes to discontinue the same, upon petition of not less than a majority of the legal voters of said township, filed with the township treasurer at least fifteen days preceding the regular election of trustees, it shall be the duty of said treasurer to notify the voters of said township that an election will be held on the day of said regular election of trustees for the purpose of voting "For" or "Against" discontinuing such township school district, which notice shall be given in the same manner and for the same length of time, and may be in substantially the same form as the notice provided for in the first section of this Act. If a majority of the votes cast at such election on this subject shall be in favor of discontinuing such township school district, the same shall be discontinued, and the separate districts existing prior to such consolidation shall be re-established, boards of directors elected in each and the school property fairly divided by the township trustees.

Sec. 7. This Act shall apply only to townships having a population of not to exceed five thousand.



- 1 Introduced by Mr. Campbell, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to construct an armory in the city of Moline,
Rock Island County, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That fifty thousand dollars, or so much
3 thereof as may be necessary, is hereby appropriated to pay for the construction
4 of an armory for the use of the several military organizations of the Illinois
5 National Guard and the Illinois Naval Reserve, located in the city of Moline,
6 Rock Island County, Illinois: *Provided, however,* that there shall be deeded to
7 the State of Illinois suitable grounds upon which to erect said armory; the site
8 to be approved by the Governor and the Adjutant General.

Sec. 2. The Auditor of Public Accounts is authorized to draw his warrants
2 for the sum herein specified upon the presentation of the proper vouchers cer-
3 tified to by the Adjutant General and approved by the Governor, and the Treas-
4 urer shall pay the same out of the money hereby appropriated.

- 1 Introduced by Mr. Covey, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Section 2 of an Act entitled "An Act to provide for the permanent survey of lands," approved May 10, 1901, in force July 1, 1901.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 2 of an Act entitled "An
3 to provide for the permanent survey of lands," approved May 10, 1901, in
4 force July 1, 1901, be and the same is hereby amended to read as follows:

5 Sec. 2. Whenever one or more proprietors of lands in this State, the corn-
6 ers and boundaries of whose lands are lost, destroyed, or are in dispute, or who
7 are desirous of having said corners and boundaries permanently re-established,
8 and who will not enter into an agreement as provided by Section 1 of this act,
9 it shall be lawful for said proprietor or proprietors that they shall cause a notice,
10 in writing, to be served on the owner or owners of adjacent tract or tracts, if
11 known, and residing in the county where said lands are situated; or if not known
12 *or not* residing in such county, by publishing in a public newspaper pub-
13 lished in such county, and if no newspaper shall be published, then by posting
14 up in four different public places in said county a written or printed notice to

15 the effect that, on a day named therein, he, she or they will make application to
16 the Circuit Court of the county in which said lands are situated, at its next suc-
17 ceeding term, for the appointment of a commission of surveyors to make survey
18 of and to permanently establish said corners and boundaries, which notice shall
19 be posted up at least four weeks before the time appointed for said application,
20 and one of said notices shall be in the precinct or township in which said cor-
21 ners and boundaries are situated. *If personal service is had on the owner or*
22 *owners of adjacent lands in the county where the lands are situated the same*
23 *shall be made at least ten days prior to the first day of the term of the Circuit*
24 *Court to which such application is made.*



1 Adopted March 8, 1911.

AMENDMENT NO. 1.

Strike out the words, "the county where said lands are situated," in line
2 11 of amended section 2, on page 1 of the printed bill, and insert in lieu thereof
3 the words "this State."

AMENDMENT NO. 2.

Strike out the words "such county," in line 12 of amended section 2, on
2 page 1 of the printed bill, and insert in lieu thereof the words "this State."

AMENDMENT NO. 3.

Strike out the words, "in the county where the lands are situated," in line
2 22 of amended section 2, on page 2 of the printed bill.

AMENDMENT NO. 4.

Strike out the period (.) after "made," in line 24 of amended section 2,
2 on page 2 of the printed bill, and insert in lieu thereof a comma (,) and add
3 at the end of said section the words: "and if notice is given by publication
4 in a newspaper, the same shall be published therein once each week for three
5 successive weeks, the first publication to be at least four weeks before the first
6 day of the term of court to which such application is made."



- 1 Introduced by Mr. Flagg, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Fees and Salaries,
when appointed.

A BILL

For an Act to amend Section one (1) of "An Act to provide for and fix the compensation of the members of the General Assembly of the State of Illinois," approved Dec. 6, 1907, in force July 1, 1908, as amended by Act approved and in force Feb. 8, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section one (1) of an Act entitled,
3 "An Act to provide for and fix the compensation of the members of the General
4 Assembly of the State of Illinois," approved Dec. 6, 1907, in force July 1, 1908,
5 as amended by an Act approved and in force Feb. 8, 1909, be and the same is
6 hereby amended so as to read as follows:

7 Sec. 1. That the members of the General Assembly hereafter elected shall
8 receive for their services the sum of *One Thousand (\$1,000.00) Dollars per an-*
9 *num, payable in equal installments semi-annually on February 1 and August 1*
10 *of each year of the term for which they are elected,* and ten (10) cents per mile
11 for each mile necessarily traveled in-going to and returning from the seat of

12 government at each session, to be computed by the Auditor of Public Accounts,
13 and no other allowance or emolument, directly or indirectly, for any purpose
14 whatsoever, except the sum of fifty (\$50.00) dollars per session to each member,
15 which shall be in full for stationery, newspapers, postage and all other incidental
16 expenses: *Provided, that each member shall be paid, in addition to other re-*
17 *compense, two (2) cents per mile for each mile necessarily traveled each week*
18 *in going to and returning from the regular and special sessions of the Legisla-*
19 *ture.*



- 1 Introduced by Mr. Karch, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections, when ap-
pointed.

A BILL

For an Act in regard to electors and primary elections, regulating and controlling the expenditures of candidates for office; and in regard to contributions for political parties and for political purposes, and the publication thereof; to define, prevent, and punish corrupt and illegal practices in nominations and elections, to secure and protect the purity of the ballot; to provide for furnishing information to the electors, and to provide the manner of conducting contests for nominations and elections in certain cases.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* That no sums of money shall be paid,
3 and no expenses authorized or incurred by or on behalf of any candidate to be
4 paid by him, except such as he may pay to the State for printing as herein pro-
5 vided, in his campaign for nomination to any public office or position in this State
6 in excess of 10 per cent of one year's compensation or salary of the office for
7 which he is a candidate: *Provided*, that no candidate shall be restricted to less
8 than one hundred (\$100.00) dollars in his campaign for such nomination. No

9 sums of money shall be paid, and no expenses authorized or incurred, contrary
 10 to the provisions of this Act for or on behalf of any candidate for nomination.
 11 For the purposes of this law the contribution, expenditure, or liability of a de-
 12 scendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner,
 13 employer, employee or fellow official or fellow employee of a corporation shall
 14 be deemed to be that of the candidate himself.

Sec. 2. Any candidate and, unless he notifies the Secretary of State that
 2 he refuses them permission, the friends of any candidate for nomination to any
 3 State or district office, when the district is composed of one or more counties,
 4 may file with the Secretary of State, for publication as herein provided, not later
 5 than the thirty-third day before the biennial primary nominating election, with
 6 his portrait cut if he wishes, a printed or typewritten statement or statements,
 7 on the conditions hereinafter set forth, over his or their signatures, stating the
 8 reasons why he should be nominated: *Provided*, that no candidate, nor his
 9 friends, shall be allowed to file any such statements, unless his petition for nom-
 10 ination is duly filed with the Secretary of State, not later than the forty-first day
 11 before said nominating election. Any person or persons opposing the nomina-
 12 tion of any such candidate may, not later than the thirty-ninth day before said
 13 nominating election, file with the Secretary of State their printed or typewritten
 14 statements, over their signatures, of the reasons why such candidate should not
 15 be nominated, but every such statement shall be accompanied by proof, by af-
 16 fidavit or sheriff's return, that they have caused to be served personally and in
 17 person upon such candidate a true copy of such statement. Each candidate
 18 shall be allowed one page of printed matter, and those opposing him shall each
 19 be allowed one page of space on equal terms with him as hereinafter provided.
 20 Nothing in this law shall be deemed to make any such statement or the authors
 21 thereof free or exempt from any civil or criminal action or penalty because of
 22 any false, slanderous or libelous statements offered for printing or contained in
 23 said pamphlet. The person or persons procuring, making, composing, or offer-
 24 ing such statement for filing shall be deemed the authors and publishers thereof.

Sec. 3. Candidates for nomination shall pay for one page of space in the

2 publication herein provided for an amount equal to $1\frac{1}{2}$ per cent of one year's
3 compensation or salary of the office for which he is a candidate: *Provided*, that
4 no candidate shall pay less than \$10.00 for such page. Any candidate may have
5 additional space at the rate of \$75.00 per page, but no payment shall be received
6 for less than a full page: *Provided*, that not more than three additional pages
7 shall be allowed to any one candidate. All payments required by this section
8 shall be made to the Secretary of State when this statement is offered to him
9 for filing, and be by him paid into the general fund in the State Treasury.

Sec. 4. Not later than the 30th day before the primary election the Secre-

2 tary of State shall cause all of such statements and portrait cuts to be properly
3 compiled, edited, prepared and indexed for printing; and thereupon he shall
4 cause the same to be printed and bound in pamphlet form containing the pic-
5 tures of candidates with and as a part of their several statements, where such
6 portrait cuts are offered; statements of those who directly oppose any candidate
7 shall follow next after his statement. All of the statements filed for and against
8 all the candidates for nomination to each office shall be printed in the orders in
9 which candidates' names are grouped under the title to their offices on the offi-
10 cial ballot at the nominating election. In preparing said pamphlets the Secre-
11 tary of State shall compile the copy for the same, so as to make it most con-
12 venient for printing, such statements shall be bound under one cover, separated
13 for each political party, the statements only of candidates to be voted by mem-
14 bers of that party for nomination in the same electoral district or division, that
15 is to say, the statements and arguments of all the candidates seeking Republican
16 votes in Madison County for nomination by the Republican party to State of-
17 fices or to offices for a district within the State, for a district composing one
18 county or more, shall be printed and bound under one cover, and the same with
19 Democratic and any other party required to nominate its candidates at said
20 nominating election. The same method shall be applied for all other counties and
21 districts but no picture, statement, or argument for or against any candidate for

22 nomination shall be included in the copy of said pamphlet going to any county
23 where such candidate is not to be voted for.

Sec. 5. The several county clerks shall cause to be made a list of primary
2 voters of their respective counties, including in such list the name and post-
3 office address of each voter who voted at the last preceding primary nominat-
4 ing election. And the said several county clerks shall thereupon and not later
5 than the 17th day preceding primary nominating election, mail to the Secretary
6 of State, their said several prepared lists of primary voters by them made up un-
7 der the provisions aforesaid. At least 8 days before the regular biennial pri-
8 mary nominating election the Secretary of State shall forward by mail to every
9 voter whose name is contained in said list as a voter or member of one of the
10 several political parties required to nominate their candidate at such nominat-
11 ing election, a copy of the pamphlet of his political party containing the names
12 and statements herein provided for. The pages of the pamphlets required by
13 this Act shall be six by nine inches in size, and the printed matter therein shall be
14 set in 8-point Roman faced type, single leaded, and 25 ems. pica in width with
15 proper heads. The foot margin of every page of the party pamphlets for nom-
16 inating elections shall be shown the authority for the information therein, as
17 "This information furnished by (name of candidate or name of his friends or
18 opponents") as the case may be. In the foot margin of every page of the pamph-
19 let herein provided for the general election, shall be shown the authority for
20 the statements thereof, as "This information furnished by (title of committee or
21 management of the political party or name of the independent candidate"), as the
22 case may be.

Sec. 6. The several county clerks of the State shall, as soon as may be as-
2 certained not later than 40 days prior to the date of the election, make up a list
3 of all voters, together with their postoffice addresses, including in said list the
4 name of every voter appearing on the poll book of the general election as re-
5 turned to their office by the duly authorized election officers of said county and
6 thereupon and not later than 35 days preceding the general election mail to

7 the Secretary of State their said several lists of voters so prepared which list
 8 shall be filed in the office of the said Secretary of State for addresses of the
 9 pamphlets to be mailed out by the Secretary of State, as provided in the follow-
 10 ing sections of this Act.

Sec. 7. Not later than the 30th day before the regular biennial general
 2 election the State committee or managing officers of any political party or organ-
 3 ization having nominated candidates, but no others, except independent candi-
 4 dates, may file with the Secretary of State portrait cuts of its candidates and
 5 typewritten statements and arguments for the success of its principles, and the
 6 election of its candidates, and opposing or attacking the principles and candi-
 7 dates of all other parties. Not later than the twenty-eighth day before said gen-
 8 eral election the Secretary of State shall cause same to be properly compiled and
 9 prepared for printing, the said portraits, cuts, statements and arguments, and
 10 cause to be printed a number of pamphlet copies of the same necessary to supply
 11 one, at least, complete as to the candidates to be voted for in any county for
 12 which the same may be designed, for every registered voter within the State of
 13 Illinois. The Secretary of State shall begin mailing the pamphlets to the
 14 voters of the State as soon as they are delivered to him, and shall complete the
 15 mailing on or before the tenth day before said general election.

Sec. 8. All the portrait cuts, statements, and arguments of all the political
 2 parties and independent candidates shall be bound together in one pamphlet, and
 3 no party shall have more than 24 pages, nor an independent candidate more
 4 than two pages therein. The political parties and independents shall pay to the
 5 Secretary of State for the public treasury for said pamphlet at the time of filing
 6 their copy with him, at the rate of \$50 for each printed page in said pamphlet
 7 used by such party or independent candidate.

Sec. 9. No sums of money shall be paid and no expense authorized or in-
 2 curred by or on behalf of any candidate who has received the nomination to
 3 any public office or position in this State, except such as he may contribute to-
 4 ward the payment for his political party's or independent statement in the

5 pamphlet herein provided for, to be paid by him in his campaign for election, in
 6 excess of 5 per cent of one year's salary or compensation of the office for which
 7 he is nominated: *Provided*, that no candidate shall be restricted to less than
 8 \$100. No sum of money shall be paid and no expenses authorized or incurred
 9 by or on behalf of any political party or organization to promote the success of
 10 the principles or candidates of such party or organization, contrary to the pro-
 11 visions of this Act. For the purposes of this Act the contribution, expenditure,
 12 or liability of a descendant, ascendant, brother, sister, uncle, aunt, nephew,
 13 niece, wife, partner, employer, employee, or fellow official or fellow employee of
 14 a corporation shall be deemed to be that of the candidate himself. In cities of
 15 more than 5,000 population any candidate for nomination or election to any elec-
 16 tive municipal office shall file with the city clerk not later than the 15th day be-
 17 fore the municipal primary nominating election, if in such city a municipal pri-
 18 mary nominating election be held, otherwise not later than the 20th day before
 19 the regular municipal election, a statement of the reasons why he should be nom-
 20 inated and elected, and portrait cut if he desires on the conditions hereinafter
 21 set forth.

Sec. 10. Terms used in this Act shall be construed as follows, unless other
 2 meaning is clearly apparent from the language or context, or unless such con-
 3 struction is inconsistent with the manifest intent of the law:

4 "Persons" shall apply to any individual, male or female, and, where consist-
 5 ent with collective capacity, to any committee, firm, partnership, club, organiza-
 6 tion, association, corporation, or other combination of individuals.

7 "Candidate" shall apply to any person whose name is printed on an official
 8 ballot for public office, or whose name is expected to be or has been presented for
 9 public office, with his consent, for nomination or election.

10 "Political agent" shall apply to any person who, upon request or under
 11 agreement, receives or disburses money in behalf of a candidate.

12 "Political committee" shall apply to every combination of two or more per-
 13 sons who shall aid or promote the success or defeat of a candidate, or a political
 14 party or principle, and the provisions of law relating thereto shall apply to any

15 firm or partnership, to any corporation, and to any club, organization, associa-
 16 tion, or other combination of persons, whether incorporated or not, with similar
 17 purposes, whether primary or incidental.

18 “Public office” shall apply to any national, state, county, or city office to
 19 which a salary attaches and which is filled by voters, as well as to the office of
 20 presidential elector, United States Senator, or presiding officer of either branch of
 21 the legislature.

22 “Give,” “provide,” “expend,” “contribute,” “receive,” “ask,” “solicit,”
 23 and like terms, with their corresponding nouns, shall apply to money, its equiva-
 24 lent, or any other valuable thing, shall include the promise, advance, deposit,
 25 borrowing or loan thereof, and shall cover all or any part of a transaction,
 26 whether it may be directly or indirectly.

27 None of the provisions of this Act shall be construed as relating to the ren-
 28 dering of services by speakers, writers, publishers, or others, for which no com-
 29 pensation is asked or given; nor to prohibit expenditure by committees of political
 30 parties or organizations for public speakers, music, halls, lights, literature,
 31 advertising, office rent, printing, postage, clerk hire, challengers or watchers at
 32 the polls, traveling expenses, telegraphing or telephoning, or the making of poll
 33 lists.

Sec. 11. Every candidate for nomination or election to public office, includ-
 2 ing candidates for the office of Senator of the United States, shall, within fifteen
 3 days after the election at which he was a candidate, file with the Secretary of
 4 State, if a candidate for Senator of the United States, Representative in Con-
 5 gress, or for any State or district office in a district composed of one or more
 6 counties, or for members of the legislative assembly from a district composed
 7 of more than one county, but with the county clerk for legislative districts com-
 8 posed of not more than one county and for county and precinct offices, and with
 9 the city clerk of the town or city in which he resides if he was a candidate for a
 10 town, city or ward office, an itemized sworn statement setting forth in detail
 11 all the moneys contributed, expended or promised by him, to aid and promote
 12 his nomination or election, or both, as the case may be, and for the election

13 of his party candidates, and all existing unfulfilled promises of every char-
14 acter, and all liabilities remaining uncanceled and in force at the time such
15 sentiment is made, whether such expenditures, promises and liabilities were
16 made or incurred before, during or after such election. If no money or other
17 valuable thing was given, paid, expended, contributed or promises, and no
18 unfulfilled liabilities were incurred by a candidate for public office to aid or
19 promote his nomination or election, or the election of his party candidates, he
20 shall file a statement to that effect within fifteen days after the election at which
21 he was a candidate. Any candidate who shall fail to file such statement shall be
22 fined \$25 for every two days on which he was in default, unless he shall be
23 excused by the Court. Fifteen days after any such election the Secretary of
24 State or county clerk, city clerk, as the case may be, shall notify the City Attor-
25 ney of any failure to file such a statement on the part of any candidate, and
26 within ten days thereafter such prosecuting officer shall proceed to prosecute
27 said candidate for such offense.

Sec. 12. Every political committee shall have a treasurer who is a voter,
2 and shall cause him to keep detailed accounts of all its receipts, payments and
3 liabilities. Similar accounts shall be kept by every person who in the aggre-
4 gate receives or expends money or incurs liabilities to the amount of more than
5 \$50 for political purposes, and by every political agent and candidate. Such
6 accounts shall cover all transactions in any way affecting or connected with the
7 political canvass, campaign, nomination, or election concerned. Every person
8 receiving or expending money or incurring liability by authority or in behalf
9 of or to promote the success or defeat of such committee, agent, candidate or
10 other person or political party or organization, shall, on demand, and in any
11 event within fourteen days after such receipt, expenditure, or incurrence of
12 liability, give such treasurer, agent, candidate or other person on whose behalf
13 such expense or liability was incurred detailed account thereof, with proper
14 vouchers. Every payment, except payments less in the aggregate than \$5 to
15 any person, shall be vouched for by a receipted bill, stating the particulars of

16 expense. Every voucher receipt and account hereby required shall be a part
17 of the accounts and files of such treasurer, agent, candidate or other person,
18 and shall be preserved by the public officer with whom it shall be filed for six
19 months after the election of which it refers. Any person not a candidate for
20 any office or nomination who expends money or value to an amount greater
21 than \$50 in any campaign for nomination or election to aid in the election or
22 defeat of any candidate or candidates, or party ticket, or measure before the
23 people, shall within ten days after the election in which said money or value
24 was expended, file with the Secretary of State, in the case of a measure voted
25 upon by the people, or of State or district offices for districts composed of one
26 or more counties, or with the county clerk for county offices, and with the city
27 clerk, auditor, or recorder for municipal offices, an itemized statement of such
28 receipts and expenditures and vouchers for every sum paid in excess of \$5.00,
29 and shall at the same time deliver to the candidate or treasurer of the political
30 organization, whose success or defeat he has sought to promote, a duplicate of
31 such statement, and a copy of such vouchers. The books of account of every
32 treasurer of any political party, committee or organization, during an election
33 campaign, shall be open at all reasonable office hours to the inspection of the
34 treasurer and chairman of any opposing political party or organization for the
35 same electoral district, and this right of inspection may be enforced by writ of
36 mandamus by any court of competent jurisdiction.

Sec. 13. The Secretary of State shall, at the expense of the State, furnish
2 to the county clerk, and to the city clerk, copies of this Act as a part of the elec-
3 tion laws. In the filing of a nomination petition or certificate of nomination, the
4 Secretary of State, in the case of State and district officers for districts com-
5 posed of one or more counties, and county clerks for county offices, and the city
6 and town clerks, for municipal offices, shall transmit to the several candidates,
7 and to the treasurers of political committees, and to political agents, as far as
8 they may be known to such officer, copies of this Act and also to any other person
9 required to file a statement such copies shall be furnished upon application there-

10 for. Upon his own information, or at the written request of any voter, said
11 Secretary of State shall transmit to any other person believed by him or averred
12 to be a candidate, or who may otherwise be required to make a statement, a copy
13 of this Act.

Sec.14. The several officers with whom statements are required to be filed
2 shall inspect all statements of accounts and expenses relating to nominations
3 and elections filed with them within ten days after the same are filed; and if
4 upon examination of the official ballot it appears that any person has failed to
5 file a statement as required by law, or if it appears to any such officer that the
6 statement filed with him does not conform with law, or upon complaint in writ-
7 ing by a candidate or by a voter, that a statement filed does not conform to
8 law or to the truth, or that any person has failed to file a statement which he is
9 by law required to file, said officer shall forthwith in writing notify the delin-
10 quent person. Every such complaint filed by a citizen or candidate shall state
11 in detail the grounds of objection, shall be sworn to by the complainant, and
12 shall be filed with the officer within sixty days after the filing of the statement or
13 amended statement. Upon the written request of a candidate or any voter filed
14 within sixteen days after any convention, primary, or nominating election, said
15 Secretary of State, county clerk, city or town clerk, as the case may be, shall
16 demand from any specified person or candidate a statement of his receipts, and
17 from whom received, disbursements and liabilities, in connection with or in any
18 way relating to the nomination or election concerned, whether it is an office to
19 which a salary or compensation is attached or not, and said person shall there-
20 upon be required to file such statement and to comply with all the provisions
21 relating to statements herein contained. Whoever makes a statement required
22 by this Act shall make oath attached thereto that it is in all respects correct, com-
23 plete and true, to the best of his knowledge and belief, and said verification
24 shall be substantially the form herein provided.

Sec. 15. Upon the failure of any person to file a statement within ten days
2 after receiving notice under the preceding section, or if any statement filed as

3 above discloses any violation of any provision of this Act relating to corrupt
4 practices in elections, or in any other provision of the election laws, the Secre-
5 tary of State, the county clerk, or the city clerk, as the case may be, shall forth-
6 with notify the State's attorney of the county where said violation occurred, and
7 shall furnish him with copies of all papers relating thereto, and said State's At-
8 torney shall within sixty days thereafter examine every such case, and if the evi-
9 dence seems to him to be sufficient under the provisions of this Act he shall, in
10 the name of the State, forthwith institute civil or criminal proceedings as may
11 be appropriate to the facts.

Sec. 16. The circuit court of the county in which any statement of accounts
2 and expenses relating to nominations and elections should be filed, unless herein
3 otherwise provided, shall have exclusive original jurisdiction of all violations of
4 this Act, and may compel any person who fails to file such a statement as re-
5 quired by this Act, or who files a statement which does not conform to the pro-
6 visions of this Act in respect to its truth, sufficiency in detail or otherwise, to
7 file a sufficient statement, upon the application of the Attorney General or the
8 State's Attorney, or the petition of a candidate or of any voter. Such petition
9 shall be filed in the circuit court within sixty days after such election if the state-
10 ment was filed within the fifteen days required, but such a petition may be filed
11 within thirty days after any payment not included in the statements so filed.

Sec. 17. All statements shall be preserved for six months after the election
2 to which they relate, shall be public records subject to public inspection, and it
3 shall be the duty of the officers having custody of the same to give certified
4 copies thereof in like manner as of other public records. The totals of each state-
5 ment filed with him, with the name of the person or candidate filing it, shall be
6 published in the next annual report of the Secretary of State, the county clerk
7 or the city clerk, as the case may be.

Sec. 18. No person shall make a payment of his own money, or of another
2 person's money of any other person in connection with a nomination or election
3 in any other name than that of the person who in truth supplies such money, nor

4 shall any person knowingly receive such payment, or enter or cause the same to
 5 be entered in his accounts or records in another name than that of the person
 6 by whom it was actually furnished: *Provided*, if the money be received from
 7 the treasurer of any political organization it shall be sufficient to enter the same
 8 as received from said treasurer.

Sec. 19. No person shall, in order to aid or promote his nomination or
 2 election, directly or indirectly, himself or through any other person, promise to
 3 appoint another person, or promise to secure or aid in securing the appoint-
 4 ment, nomination or election of another person to any public or private position
 5 or employment, or to any position of honor, trust, or emolument, except that
 6 he may publicly announce or define what is his choice or purpose in relation to
 7 any election in which he may be called to take part if elected, and if he is a
 8 candidate for nomination or election as a member of the Legislative Assembly
 9 he may pledge himself to vote for the people's choice for United States Sen-
 10 ator or state what his action will be on such vote.

Sec. 20. No holder of a public position or office other than an office filled
 2 by the voters, shall pay or contribute to aid or promote the nomination or elec-
 3 tion of any other person to public office. No person shall invite, demand or ac-
 4 cept payment or contribution from such holder of a public position or office for
 5 campaign purposes.

Sec. 21. No holder of a public position other than an office filled by votes
 2 shall be a delegate to a convention for the election district that elects an officer
 3 or board under whom he directly or indirectly holds such position, nor shall he
 4 be a member of a political committee for such district.

Sec. 22. No person shall invite, offer or effect the transfer of any conven-
 2 tion credential in return for any payment of money or other valuable thing.

Sec. 23. No person shall pay, or promise to reward another in any manner
 2 or form for the purpose of inducing him to be or refrain from or cease being a

3 candidate, and no person shall solicit any payment, promise or reward from an-
4 other for such purpose.

Sec. 24. No person shall demand, solicit, ask or invite any payment or con-
2 tribution for any religious, political, charitable, or other cause or organization
3 supposed to be primarily or principally for the public good, from a person who
4 seeks to be or has been nominated or elected to any office; and no such candidate
5 or elected person shall make any such payment or contribution if it shall be
6 demanded or asked during the time he is a candidate for nomination or election
7 to or an incumbent of any office. No payment or contribution for any purposes
8 shall be made a condition precedent to the putting of a name on any caucus or
9 convention ballot or nomination paper or petition, or to the performance of any
10 duty imposed by law on a political committee. No person shall demand, solicit,
11 ask, or invite any candidate to subscribe to the support of any club or organiza-
12 tion, to buy tickets to any entertainment or ball, or to subscribe for or pay for
13 space in any book, programme, periodical, or other publication; if any candidate
14 shall make any such payment or contribution with apparent hope or intent to in-
15 fluence the result of the election, he shall be guilty of a corrupt practice; but this
16 section shall not apply to the soliciting of any business advertisement for inser-
17 tion in a periodical in which such candidate was regularly advertising prior to his
18 candidacy nor to ordinary business advertising nor to his regular payment to any
19 organization, religious, charitable or otherwise, of which he may have been a
20 member, or to which he may have been a contributor for more than six months
21 before his candidacy, nor to ordinary contributions at church services.

Sec. 25. No corporation and no person, trustee, or trustees owning or hold-
2 ing the majority of the stock of a corporation carrying on the business of a
3 bank, savings bank, co-operative bank, trust, trustees, surety, indemnity, safe
4 deposit, insurance, railroad, street railway, telegraph, telephone, gas, electric
5 light, heat, power, canal, aqueduct, water, cemetery, or crematory company, or
6 any company having the right to take or condemn land or to exercise franchises
7 in public ways granted by the State or by any county, city or town, shall pay or

8 contribute in order to aid, promote, or prevent the nomination or election of any
 9 person, or in order to aid or promote the interests, success, or defeat of any polit-
 10 ical party or organization. No person shall solicit or receive such payment or
 11 contribution from such corporation or such holders of a majority of such stock.

Sec. 26. Any person or candidate who shall either by himself or by any
 2 other person, either before or after an election, or while such person or candi-
 3 date is seeking a nomination or election, directly or indirectly give or provide, or
 4 pay, wholly or in part, the expenses of giving or providing any meat or drink or
 5 other entertainment or provision, clothing, liquor, cigars, or tobacco, to or for
 6 any person for the purpose of or with intent or hope to influence that person or
 7 any other person to give or refrain from giving his vote at such election to or
 8 for any candidate or political party ticket or measure before the people, or on
 9 account of such person or any other person having voted or refrained from vot-
 10 ing for any candidate for the candidates of any political party or organization
 11 or measure before the people or being about to vote to refrain from voting at
 12 such election, shall be guilty of treating. Every elector who accepts or takes
 13 any such meat, drink, entertainment, provision, clothing, liquors or tobacco, shall
 14 also be guilty of treating, and such acceptance shall be a ground of challenge to
 15 his vote and rejecting his vote on a contest.

Sec. 27. Every person who shall directly or indirectly, by himself or any
 2 other person in his behalf, make use of or threaten to make use of any force,
 3 coercion, violence, restraint, or undue influence, or inflict or threaten to inflict,
 4 by himself or any other person, any temporal or spiritual injury, damage, harm,
 5 or loss upon or against any candidate or the ticket of any political party, or any
 6 measure before the people or any person who shall by abduction, duress, or any
 7 fraudulent contrivance, impede or prevent the free exercise of the franchise by
 8 any voter of any election, or shall thereby compel, induce or prevail upon any
 9 elector to vote or refrain from giving his vote at any election, shall be guilty of
 10 undue influence and shall be punished as for a corrupt practice.

Sec. 28. Any candidate who before or during any election campaign makes
 2 any bet or wager of anything of pecuniary value or in any manner becomes a
 3 party to any such bet or wager on the result of the election in his electoral dis-
 4 trict, or in any part thereof, or in any event or contingency relating to any
 5 pending election, or who provides money or other valuable to be used by any
 6 person in betting or wagering upon the results of an impending election, shall
 7 be guilty of a corrupt practice. Any person who for the purpose of influencing
 8 the result of any election, makes any bet or wager of anything of pecuniary value
 9 on the result of such election in his electoral district or any part thereof, or of
 10 any pending election, or on any event or contingency relating thereto shall be
 11 guilty of a corrupt practice, and in addition thereto any such act shall be a
 12 ground for challenge against his right to vote.

Sec. 29. It shall be unlawful for any employer, either corporation, associa-
 2 tion, company, firm or person, in paying the salary of wages of any of its, their
 3 or his employees, to enclose their pay in "pay envelopes" upon which there is
 4 written or printed any political notice, device or argument, containing any
 5 threat, expressed or implied, intended or calculated to influence political opinion,
 6 views or actions of such employees so paid. Nor shall it be lawful for any em-
 7 ployer, either corporation, association, company, firm or person, within ninety
 8 days of any election, or primary election provided by law, to put up or other-
 9 wise exhibit in its, their or his factory, workshop, mine, mill, boarding house,
 10 office or other establishment or places where its, their or his employees may be
 11 working or be present in the course of such employment, any hand bill, notice
 12 or placard containing any threat, notice or information that in case any particu-
 13 lar ticket or candidate shall be nominated or elected, work in its, their or his
 14 place or establishment shall cease, in whole or in part, or its, their or his estab-
 15 lishment will be closed, or the wages of its, their or his workmen will be reduced,
 16 or any other threats expressed or implied intended or calculated to influence the
 17 political opinion or action of its, their or his employees. Any person or per-
 18 sons violating any of the provisions of this section, whether acting in his indi-

vidual capacity or as an officer or agent of any corporation, shall be deemed guilty of a misdemeanor.

Sec. 29½. No person being a candidate for a public office in this State, shall by himself or through other persons, directly or indirectly, hand out, distribute, scatter, circulate, display or post, or cause to be handed out, distributed, scattered, circulated, displayed or posted, or to give or cause to be given publication in any manner whatsoever, any card, sheet, bill, sign, board, film, or other medium of publication bearing a portrait cut of such person being a candidate, together with reading matter calculated to announce the candidacy of such person, or to present reasons or facts intended to influence persons to vote for him, for the office for which he is a candidate: *Provided*, that nothing herein contained shall prevent any such person or candidate from passing out and distributing from hand to hand, a white card bearing a portrait cut of such candidate, together with appropriate reading matter, which card shall not exceed in dimensions two inches in width and three inches in length, and the number of such cards to be handed out by such candidate, or any person in his behalf, shall not exceed in the aggregate the total number of votes cast for the office for which candidate is aspiring, at the last preceding general election, or municipal election, as the case may be, for such office: *And provided, further*, that nothing herein contained shall be construed to prohibit any such candidate or any person in his behalf from doing campaign advertising in a newspaper or periodical, in conformity with the foregoing provisions of this Act.

Sec. 30. Any person shall be deemed to be guilty of the offense of personation who at any election applies for a ballot in the name of some other person, whether it be that of a person living or dead, or of a fictitious person, or who, having voted once at an election, applies at the same election for a ballot in his own name; and on conviction thereof such person shall be punished by imprisonment in the penitentiary at hard labor for not less than one nor more than three years.

Sec. 31. Any person shall be guilty of a corrupt practice within the meaning of this Act if he expends any money for election purposes contrary to the provisions of any statute of this State, or if he be guilty of treating, undue influence, personation, the giving or promising to give or offer of any money or valuable thing to any elector with intent to induce such elector to vote for or to refrain from voting for any candidate for public office, or the ticket of any political party or organization, or any measure submitted to the people, at any election, or to register or refrain from registering as a voter at any state, district, county, city, town, village or school district election for public offices or on public measures. Such corrupt practice shall be deemed to be prevalent when instances thereof occur in different election districts similar in character and sufficient in number to convince the court before which any case involving the same may be tried that they were general and common or were pursuant to a general scheme or plan.

Sec. 32. It shall be unlawful for any person to pay another for any loss or damage due to attendance at the polls, or in registering, or for the expense of transportation to or from the polls. No person shall pay for personal service to be performed on the day of a caucus, primary, convention, or any election, for any purpose connected therewith, tending in any way, directly or indirectly, to affect the result thereof, except for the hiring of persons whose sole duty it is to act as challengers and watch the count of official ballots. No person shall buy, sell, give or provide any political badge, button, or other insignia, to be worn at or about the polls on the day of any election, and no such political badge, button or other insignia shall be worn at or about the polls on any election day.

Sec. 33. No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed or tends to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is a paid advertisement, the name of the chairman or secretary, or the names of the other

6 officers of the political or other organization inserting the same, or the name
 7 of some voter who is responsible therefor, with his residence and the street and
 8 number thereof, if any, appear in such advertisement in the nature of a signa-
 9 ture. No person shall pay the owner, editor, publisher, or agent of any news-
 10 paper or other periodical to induce him to editorially advocate or oppose any
 11 candidate for nomination or election, and no such owner, editor, publisher, or
 12 agent shall accept such payment. Any person who shall violate any of the
 13 provisions of this section shall be punished as for a corrupt practice.

Sec. 34. It shall be unlawful for any person at any place on the day of any
 2 election to ask, solicit, or in any manner try to induce or persuade any voter on
 3 such election day to vote for or refrain from voting for any candidate, or the
 4 candidates or ticket of any political party or organization, or any measure sub-
 5 mitted to the people, and upon conviction thereof he shall be punished by fine of
 6 not less than \$5 nor more than \$100 for the first offense, and for the second and
 7 each subsequent offense occurring on the same or different election days he shall
 8 be punished by fine as aforesaid, or by imprisonment in the county jail for not
 9 less than five nor more than thirty days, or by both such fine and imprisonment.

Sec. 35. It shall be unlawful to write, print, or circulate through the mails
 2 or otherwise any letter, circular, bill, placard, or poster relating to any election,
 3 or to any candidate at any election, unless the same shall bear on its face the
 4 name and address of the author, and of the printer and publisher thereof; and
 5 any person writing, printing, publishing, circulating, posting or causing to be
 6 written, printed, circulated, posted or published any such letter, bill placard cir-
 7 cular or poster as aforesaid which fails to bear on its face the name and address
 8 of the author and of the printer or publisher, shall be guilty of an illegal prac-
 9 tice, and shall, on conviction thereof, be punished by fine of not less than \$10.00
 10 nor more than \$1,000.00. If any letter, circular, poster, bill, publication or pla-
 11 card shall contain any false statement or charges reflecting on any candidate's
 12 character, morality, or integrity, the author thereof and every person printing
 13 or knowingly assisting in the circulation thereof shall be guilty of political

14 criminal libel and upon conviction thereof shall be punished by imprisonment in
 15 the penitentiary for not less than one nor more than three years. If the per-
 16 son charged with such crime shall prove on his trial that he had reasonable
 17 ground to believe such charge was true and did believe it was true, and that he
 18 was not actuated by malice in making such publication, it shall be a sufficient de-
 19 fense to such charge. But in that event, and as a part of such defense, the author
 20 and the printer or publisher or other person charged with such crime shall also
 21 prove that at least fifteen days before such letter, circular, poster, bill, or pla-
 22 card containing such false statement or statements was printed or circulated, he
 23 or they caused to be served personally and in person upon the candidate to whom
 24 it relates a copy thereof in writing, and calling his attention particularly to the
 25 charges contained therein, and that, before printing, publishing or circulating
 26 such charges, he received and read any denial, defense or explanation, if any,
 27 made or offered to him in writing by the accused candidate within ten days
 28 after the service of such charge upon the accused person.

Sec. 36. The name of a candidate chosen at a primary nominating election
 2 or otherwise shall not be printed on the official ballot for the ensuing election un-
 3 less there has been filed by or on behalf of said candidate the statements of ac-
 4 counts and expenses relating to nominations required by this Act, as well as a
 5 statement by his political agent and by his political committee or committees in
 6 his behalf, if his statement discloses the existence of such agent, committee or
 7 committees. The officer or board intrusted by law with the preparation of the
 8 official ballots for any election shall, as far as practicable, warn candidates of the
 9 danger of the omission of their names by reason of this provision, but delay in
 10 making any such statement beyond the time prescribed shall not preclude its ac-
 11 ceptance or prevent the insertion of the name on the ballot if there is reasonable
 12 time therefor after the receipt of such statements. Any such vacancy on the
 13 ballot shall be filled by the proper committee of his political party in the manner
 14 authorized by law, but not by the use of the name of the candidate who failed to
 15 file such statements. No person shall receive a certificate of election until he
 16 shall have filed the statements required by this Act.

Sec. 37. It shall be unlawful for any person to accept, receive, or pay money
 2 for any valuable consideration for becoming or from refraining from becoming a
 3 candidate for nomination or election, or by himself, or in combination with any
 4 person or persons to become a candidate for the purpose of defeating the nom-
 5 ination or election of any person and not with a *bona fide* intent to obtain the
 6 office. Upon complaint made to any circuit court, if the judge shall be convinced
 7 that any person has sought the nomination, or seeks to have his name presented
 8 to the voters as a candidate for nomination by any political party for any mercen-
 9 ary or venal consider, or motive, and that his candidacy for the nomniation
 10 is not in good faith, the judge shall forthwith issue his writ of injunction restrain-
 11 ing the officer or officers whose duty it is to prepare the official ballots for such
 12 nominating election from placing the name of such person thereon as a candidate
 13 for nomination to any office. In addition thereto the court shall direct the Dis-
 14 trict Attorney to institute criminal proceedings against such person, or persons,
 15 for corrupt practice, and upon conviction thereof, he and any person, or persons,
 16 combining with him, shall be punished by a fine of not more than \$1000, or im-
 17 prisonment in the county jail for more than one year.

Sec. 38. Where, upon the trial of any action or proceeding under the pro-
 2 visions of this Act, for the contest of the right of any person declared nominated
 3 or elected to any office, it appears from the evidence that the offense complained
 4 of was not committed by the candidate, or with his knowledge or consent, or was
 5 committed without the sanction or connivance, and that all reasonable means for
 6 preventing the commisison of such offense at such election were taken by and on
 7 behalf of the candidate, or that the offense or offenses complained of were
 8 trivial, unimportant and limited in character, and that in all other respects his
 9 participation in the election was free from such offenses or illegal acts, or that
 10 any act or omission of the candidate arose from inadvertence, or from accidental
 11 miscalculation, or from some other reasonable cause of a like nature, and in any
 12 case does not arise from any want of good faith and under the circumstances it
 13 seems to the court to be unjust, that the said candidate shall forfeit his nomina-
 14 tion or office or be deprived of any office of which he is the incumbent, then the

15 nomination or election of such candidate shall not by reason of such offense or
 16 omission complained of be void, nor shall the candidate be removed from or de-
 17 prived of his office.

Sec. 39. It, upon the trial, of any action or proceeding under the provis-
 2 ions of this Act, for the contesting of the right of any persons declared to be
 3 nominated to any office, or elected to any office, or to annul and set aside such
 4 election, or to remove any person from his office, it shall appear that such per-
 5 son was guilty of any corrupt practice, illegal act, or undue influence in or about
 6 such nomination or election, he shall be punished by being deprived of the nom-
 7 ination ~~for~~ office, as the case may be, and the vacancies therein shall be filled in
 8 the manner provided by law. The only exception to this judgment shall be that
 9 provided in Section 38 of this Act. Such judgment shall not prevent the candi-
 10 date or officers from being proceeded against by indictment, or criminal informa-
 11 tion for any such act or acts.

Sec. 40. Any action to contest the right of any person declared elected to
 2 any office or to annul and set aside such election, or to remove from or deprive
 3 any person of an office of which he is the incumbent, for any offence mentioned
 4 in this Act, must, unless a different time be stated, be commenced within thirty
 5 days after the return day of the election at which such offence was committed,
 6 unless the ground of the action or proceeding is for the illegal payment of money
 7 or other valuable thing subsequent to the filing of the statements prescribed by
 8 this Act, in which case the action or proceeding may be commenced thirty days
 9 after the discovery by the complainant of such illegal payment. A contest of
 10 the nomination or office of Governor or representative or senator in congress
 11 must be commenced within twenty days after the declaration of the result of
 12 the election, but this shall not be construed to apply to any contest before the
 13 Legislative Assembly.

Sec. 41. An application for filing a statement, payment of a claim, or cor-
 2 rection of an error or false recital in a statement filed, or an action or proceed-

ing to annul and set aside the election of any person declared elected to any office, or to remove or deprive any person of his office for an offence mentioned in this Act, or any petition to excuse any person or candidate in accordance with the power of the court to excuse as provided in Section 38 of this Act, must be made or filed in the circuit court of the county in which the certificate of his nomination as a candidate for the office to which he is declared nominated or elected, is filed, or in which the incumbent resides.

Sec. 42. A candidate nominated or elected to an office, and whose nomination or election thereto has been annulled and set aside for any offense mentioned in this Act, shall not during the period fixed by law of the terms of such office, be elected or appointed to fill any office or vacancy in any office or position of trust, honor, or emolument, under the laws of the State of Illinois or of any municipality therein, any appointment, or election to any office, or position of trust, honor, or emolument made in violation of or contrary to the provisions of this Act shall be void.

Sec. 43. If any State's Attorney shall be notified by any officer or other person of any violation of any of the provisions of this Act within his jurisdiction, it shall be his duty to forthwith diligently inquire into the facts of such violation, and if there is reasonable ground for instituting a prosecution it shall be the duty of such State's Attorney to file a complaint or information in writing, before a court of competent jurisdiction, charging the accused person with such offense; if any State's Attorney shall fail or refuse to faithfully perform any duty imposed upon him by this Act, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office. It shall be the duty of the State's Attorney, under penalty of forfeiture of his office, to prosecute any and all persons guilty of any violations of the provisions of this Act, the penalty of which is fine or imprisonment, or both, or removal from office.

Sec. 44. If, in any case of a contest on the ground of illegal votes, it appears that another person than the one returned had the highest number of

3 legal votes, after the legal votes have been eliminated, the court must declare
4 such person nominated or elected, as the case may be.

Sec. 45. Any elector of the State, or of any political or municipal division
2 thereof, may contest the right of any person to any nomination or office for
3 which such elector has the right to vote, for any of the following causes:

4 1. On the ground of deliberate, serious and material violation of any of
5 the provisions of this Act, or of any other provisions of the law relating to nom-
6 inations or elections.

7 2. When the person whose right was contested was not, at the time of the
8 election, eligible to such office.

9 3. On account of illegal votes or an erroneous or fraudulent count or can-
10 vas of votes.

Sec. 46. Nothing in the third ground of contents specified in Section 45 is
2 to be so construed as to authorize a nomination or election to be set aside on
3 account of illegal votes, unless it appear either that the candidate or nominee
4 whose right is contested had knowledge of or connived at such illegal votes, or
5 that the number of illegal votes given to the person whose right to the nomi-
6 nation or office is contested, is taken from him, would reduce the number of his
7 legal votes below the number of votes given to some other person for the same
8 nomination or office, after deducting therefrom the legal votes which may be
9 shown to have been given such other person.

Sec. 47. When the reception of illegal votes is alleged as a cause of con-
2 test it shall be sufficient to state generally that in one or most specified voting
3 precincts illegal votes were given to the person whose nomination or election
4 is contested, which, if taken from him, will reduce the number of his legal votes
5 below the number of legal votes given to some other person for the same office;
6 but no testimony shall be received of any illegal votes unless the party con-
7 testing such election deliver to the opposite party, at least three days before
8 such trial, a written list of the number of illegal votes and by whom given,

9 which he intends to prove on such trial. This provision shall not prevent con-
10 testant from offering evidence of illegal votes not included in such statement
11 if he did not know and by reasonable diligence was unable to learn of such
12 additional illegal votes, by whom they were given, before delivering such writ-
13 ten lists.

Sec. 48. Any petition contesting the right of any person to a nomination
2 or election shall set forth the name of every person whose election is contested
3 and the grounds of the contest, and shall not thereafter be amended except by
4 leave of the court, before any proceeding thereon, the petitioner shall give bond
5 to the State in such sum as the court may order, not exceeding two thousand
6 dollars, with not less than two sureties, who shall justify in the manner required
7 of sureties on bail bonds, conditional to pay all cost, disbursements and attor-
8 neys' fees that may be awarded against him if he shall not prevail. If the peti-
9 tioner prevails he may recover his costs, disbursements, and reasonable attor-
10 neys' fees against the contestee. The costs, disbursements and attorneys' fees
11 in all such cases shall be in the discretion of the court, and in case
12 judgment is rendered against the petitioner, which shall also be rendered against
13 the sureties on the bond. On the filing of any such petition the clerk shall imme-
14 diately notify the judge of the court and issue a citation to the persons whose
15 nomination of office is contested, citing them to appear and answer, not less than
16 three nor more than seven days, after the date of filing the petition, and the
17 courts will hear said cause and every such contest shall take precedence over
18 all other business on the court docket, and shall be tried and disposed of with
19 all convenient dispatch. The court shall always be deemed in session for the
20 trial of such cases.

Sec. 49. The petitioner (contestant) and the contestee may appear and pro-
2 duce evidence at the hearing, but no person other than the petitioner and con-
3 testee shall be made a party to the proceedings on such petition, and no person
4 other than such parties and their attorneys shall be heard thereon except by
5 order of the court. If more than one petition is pending, or the election of more
6 than one person is contested, the court may, in its discretion, order the cases

7 heard together and may apportion the costs of disbursements and attorneys'
 8 fees between them, and shall finally determine all questions of law and fact, save
 9 only that the judge may in his discretion impanel a jury to decide on questions
 10 of facts. In the case of a contested nomination or election for senator or repre-
 11 sentative in the legislative assembly, or for senator or representative in congress,
 12 the court shall forthwith certify its findings to the Secretary of State, to be by
 13 him transmitted to the presiding officer of the body in question. In the case of
 14 other nominations or elections the court shall forthwith certify its decision to the
 15 board or official issuing certificates of nomination or election, which board or
 16 official shall thereupon issue certificates of nomination or election to the person
 17 or persons entitled thereto by such decision. If judgment of ouster against a de-
 18 fendant shall be rendered, said judgment shall award the office or nomination to
 19 the person receiving the next highest number of votes, unless it shall be further
 20 determined in the action, upon appropriate pleading approved by the defendant,
 21 that some act has been done or committed which would have been ground in a
 22 similar action against such person, had he received the highest number of votes
 23 for such nomination or office, for a judgment of ouster against him; and if it
 24 shall be so determined at the trial, the nomination or office shall be by the judg-
 25 ment of ouster against him; and if it shall be so determined at the trial, the nom-
 26 ination or office shall be by the judgment declared vacant, and shall thereupon
 27 be filled by a new election or by appointment, as may be provided by law regard-
 28 ing vacancies in such nominations or office.

Sec. 50. In like manner as prescribed for the contesting of an election any
 2 corporation organized under the laws of or doing business in the State of Illi-
 3 nois, may be brought into court on the ground of deliberate, serious and ma-
 4 terial violation of the provisions of this Act. The petition shall be filed in the
 5 circuit court in the county where said corporation has its principal office, or
 6 where the violation of law is averred to have been committed. The court, upon
 7 conviction of such corporation, may impose a fine of not more than \$10,000 or may
 8 declare a forfeiture of the charter and franchises of the corporation if organized

9 under the laws of this State, or if it be a foreign corporation, may enjoin said
10 corporation from further transacting business in this State, or by both such fine
11 and forfeiture, or by both such fine and injunction.

Sec. 51. Whoever violates any provision of this Act, punishment for which
2 is not specially provided by law, shall, on conviction thereof, be punished by
3 imprisonment in the county jail for not more than one year, or for a fine of not
4 more than five thousand dollars, or by both such fine and imprisonment.

Sec. 52. Proceedings under this Act shall be advanced on the docket upon
2 request of either party for a speedy trial, but the court may postpone or continue
3 such trial if the ends of justice may be thereby more effectually secured, and in
4 the case of such continuance or postponement the court may impose costs in its
5 discretion as a condition thereof. No petition shall be dismissed without the con-
6 sent of the State's Attorney unless the same may be dismissed by the court. No
7 persons shall be excused from testifying or producing papers or documents will
8 tend to incriminate him; but no admission, evidence, or paper made or advanced
9 or produced by such person shall be offered or used against him in any criminal
10 or civil prosecution or any evidence that is the direct result of such evidence or
11 information that he may have so given except in a prosecution for perjury
12 committed in such testimony.

Sec. 53. Any person who shall knowingly make any false oath or affidavit
2 where an oath or affidavit is required by this law, shall be deemed guilty of per-
3 jury and punished accordingly.

Sec. 54. The provisions of this Act shall extend, so far as applicable, to all
2 elections held under the Constitution of laws of this State, either general, special
3 or primary.

Sec. 55. All Acts and parts of Acts inconsistent with the provisions of this
2 Act are hereby repealed: *Provided*, that the repeal of such Acts or Part of Acts,
3 or any of them, shall not be construed to affect any offense committed or any
4 prosecution or proceeding instituted or pending under the law so repealed.



- 1 Introduced by Mr. King, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to build an Armory in the City of Galesburg.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That one hundred thousand dollars, or so
3 much thereof as may be necessary, is hereby appropriated to pay for the erection
4 of an armory for the use of the several military organizations of the Illinois Na-
5 tional Guard located in the city of Galesburg, Knox county, Illinois: *Provided,*
6 *however,* that there shall be deeded to the State of Illinois suitable grounds
7 upon which to erect said armory; the site to be approved by the Governor and
8 the Adjutant General.

Sec. 2. The Auditor of Public Accounts is authorized to draw his warrants
2 for the sum herein specified upon the presentation of the proper vouchers cer-
3 tified to by the Adjutant General and approved by the Governor, and the
4 Treasurer shall pay the same out of the money hereby appropriated.



1 Introduced by Mr. Lyon, January 25, 1911.

2 Read by title, ordered printed and referred to Committee on License, when ap-
pointed.

A BILL

For an Act concerning dram-shop licenses.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* No license to keep a dram-shop shall be
3 issued at any time hereafter for a period, any part of which is subsequent to
4 April 30, 1912, for any place within two hundred and fifty feet, measured in a
5 straight line from the nearest entrance to the dram-shop, of

6 (a) A school house, or the grounds or enclosure thereof;

7 (b) A church edifice, used exclusively for church purposes, or the grounds
8 or enclosure thereof.

Sec. 2. Any license issued in violation of any provision of this Act shall be
2 void, and any person who shall knowingly and wilfully issue or cause to be
3 issued or assist in issuing or accept for himself or procure or assist in procuring
4 for another a license in violation of any provision of this Act, shall, upon con-
5 viction thereof, be fined not exceeding two hundred dollars.

Sec. 3. It shall be the duty of public officers and boards having jurisdiction
2 of the matter, upon being informed in writing that any dram-shop license has
3 been issued in violation of any provision of this Act, to at once investigate the
4 facts in regard to the same, and if such license was issued in violation of any
5 provision of this Act, to forthwith revoke the same. Any such public officer
6 who shall knowingly and wilfully refuse or omit so to do, and any president
7 or member of such a board who shall knowingly and wilfully take part in the
8 refusal or omission of the board so to do or who shall knowingly and wilfully
9 aid or assist in such refusal or omission, shall, upon conviction thereof, be
10 fined not exceeding two hundred dollars.

Sec. 4. The offenses aforesaid may be prosecuted in any court of record
2 having criminal jurisdiction, or the fine above prescribed may be sued for and
3 recovered before any court or justice of the peace having jurisdiction thereof,
4 in the name of the people of the State of Illinois, and in case of conviction the
5 offender shall stand committed to the county jail until the judgment and costs
6 are fully paid.



- 1 Introduced by Mr. Lyon, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act to amend Section 1 of an Act entitled “An Act to revise the law in relation to quo warranto,” approved March 23, 1874, in force July 1, 1874, as said section was amended by an Act entitled “An Act to amend Section one (1) of an Act entitled ‘An Act to revise the law in relation to quo warranto,’ approved March 23, 1874, in force July 1, 1874,” approved May 27, 1881, in force July 1, 1881.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* Section one of an Act entitled “An Act
3 to revise the law in relation to quo warranto,” approved March 23, 1874, in
4 force July 1, 1874, as said section was amended by an Act entitled “An Act to
5 amend Section one (1) of an Act entitled ‘An Act to revise the law in relation
6 to quo warranto,’ approved March 23, 1874, in force July 1, 1874,” approved
7 May 27, 1881, in force July 1, 1881, is hereby amended to read as follows:

8 SECTION 1. *Be it enacted by the People of the State of Illinois,*
9 *represented in the General Assembly:* That in case any person shall usurp,

10 intrude into, or unlawfully hold or execute any office or franchise, or any office
11 in any corporation created by authority of this State (or any person shall hold
12 or claim to hold or exercise any privilege, exemption or license, which has been
13 improperly or without warrant of law issued or granted by any officer, board,
14 commissioner, court or other person or persons authorized or empowered by law
15 to grant or issue such privilege, exemption or license), *or any public officer shall*
16 *wilfully fail or refuse to perform any public duty imposed upon him by law,*
17 or any public officer shall have done or suffered any act which, by the provisions
18 of law, works a forfeiture of his office, or any association or number of per-
19 sons shall act within this State as a corporation without being legally incorpor-
20 ated, or any corporation does or omits any act which amounts to a surrender
21 or forfeiture of its rights and privileges as a corporation, or exercises powers
22 not conferred by law, or if any railroad company doing business in this State
23 shall charge an extortionate rate for the transportation of any freight or pas-
24 senger, or shall make any unjust discrimination in the rate of freight or pas-
25 senger tariff over or upon its railroad, the Attorney General or States Attorney
26 of the proper county, either of his own accord or at the instance of any indi-
27 vidual relator, may present a petition to any court of record of competent juris-
28 diction, or any judge thereof in vacation, for leave to file an information in the
29 nature of a *quo warranto* in the name of the people of the State of Illinois; and
30 if such court or judge shall be satisfied that there is probable ground for the
31 proceeding, the court or judge may grant the petition and order the information
32 to be filed and process to issue. When it appears to the court or judge that the
33 several rights of divers parties to the same office or franchise, privilege, ex-
34 emption or license, may properly be determined in one (1) information, the court
35 or judge may give leave to join all of such persons in the same information, in
36 order to try their respective rights to such office, franchise, privilege, exemp-
37 tion or license.



- 1 Introduced by Mr. McLaughlin, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the purpose of making miscellaneous repairs and for expense of correcting defects in the electric wiring system of the Armory of the First Infantry, Illinois National Guard.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the sum of seven thousand two hundred twelve dollars and fifty-three cents (\$7,212.53) is hereby appropriated to pay for making repairs and for expense of correcting the defects in electric wiring system of the First Regiment Armory, located at Sixteenth street and Michigan avenue, Chicago, Illinois, to make the same conform to the rules of the Chicago Board of Underwriters, and with the Department of Electricity of the city of Chicago.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed to draw his warrant for the sum herein specified, upon the presentation of proper vouchers, certified to by the Adjutant General and approved by the Governor, and the Treasurer shall pay the same out of the money hereby appropriated.

- 1 Introduced by Mr. Pierson, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Miscellaneous Sub-
jects, when appointed.

A BILL

For an Act to provide for the creation of Public Recreation Districts.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That any territory situated in the same
3 county may be organized into a Recreation District for the establishment, equip-
4 ment and maintenance of Public Recreation Centers in the manner following.

Sec. 2. Any one hundred legal voters residing within the limits of a pro-
2 posed Recreation District may petition the county judge of the county in which
3 the territory lies, to cause the question to be submitted to the voters of such
4 proposed district whether they will organize as a Recreation District under
5 this Act. Such petition shall describe the territory intended to be embraced in
6 the district and the name of the proposed district. Upon the filing of such peti-
7 tion in the office of said county clerk it shall be the duty of the county judge to
8 order the question submitted at any general or special election and at the same
9 election to order the election of six directors to serve as hereinafter provided.

Sec. 3. If a majority of the votes cast on the question be for a Recreation
 2 District such proposed district shall thenceforth be deemed an organized Recre-
 3 ation District, under this Act and the six persons who shall have received the high-
 4 est number of votes for directors shall be declared the directors of said district
 5 and the district so organized shall have the name set forth in said petition; and
 6 by such name and style the same may sue and be sued, contract and be contracted
 7 with, acquire and hold real estate and personal property necessary for cor-
 8 porate purposes and adopt a common seal. Such district shall constitute in law
 9 and equity a body corporate and politic, and exercise the powers herein speci-
 10 fied. All courts of this State shall take judicial notice of the organization of
 11 said Recreation District and of the election of said directors.

Sec. 4. Each of the directors elected in any Recreation District created
 2 under this Act must be a legal voter and reside in such district. No director
 3 shall receive compensation as such. It shall be a misdemeanor for any director
 4 to be directly or indirectly or in any way pecuniarily interested in any contract
 5 or work of any kind whatever connected with such Recreation District. None
 6 of said directors nor any person, whether in the employ of said Board of Direc-
 7 tors or otherwise, shall have power to create any debt or obligation or liability
 8 for or on account of said district, or the moneys or property of the same except
 9 with the express authority of said Board of Directors conferred at a meeting
 10 thereof and duly recorded in the records of the proceeding.

11 Each of said directors before entering upon the duties of his office shall take
 12 and subscribe an oath to well and faithfully perform the duties as such director
 13 and shall give a bond in the penal sum of \$1,000 to such district to be approved
 14 by the county judge, which oath and bond shall be filed in the office of clerk of
 15 the county in which such director lives.

Sec. 5. Within ten days after the members of such board shall be elected,
 2 as aforesaid, the members shall meet and decide by lot at such meeting as to the
 3 term which each shall hold office by dividing the membership into three classes,

4 one-third to hold office for three years, one-third for two years and one-third for
5 one year, respectively, or until their successors are elected and qualified.

Sec. 6. The board of directors shall elect from their number a president
2 and a secretary who shall hold office for one year or until their successors are
3 elected. They shall appoint a treasurer, who shall not be a member of the board,
4 fix his compensation and term of office and may require a bond for the faithful
5 performance of his duties.

Sec. 7. The directors elected in any Recreation District organized under this
2 Act shall constitute the corporate authorities of such district and a majority
3 shall constitute a quorum at any meeting thereof. They shall have power to pass
4 all necessary ordinances, rules and regulations for the proper management and
5 conduct of the business of the said board and of said corporation and for car-
6 rying into effect the objects for which said Recreation District was organized.
7 They shall have full power to manage and control all the officers, employees,
8 buildings, athletic fields, real and personal property acquired by such district or
9 committed to its care and custody. They may prescribe such fines or penalties
10 for the violation of its ordinances as they shall deem proper, not exceeding
11 \$200 for each offense, which fine and penalty may be recovered by suit in the
12 name of such district before any court in the county in which such violation
13 occurred; the procedure in such suits shall be the same as that prescribed by
14 law for like suits for the violations of ordinances in cities and villages organ-
15 ized under the general laws of the State, and offenders may be imprisoned for
16 non-payment of fines and costs in same manner as in such cities. All fines
17 when collected shall be paid into treasury of such Recreation District. In ad-
18 dition to other officers the board may appoint a superintendent, assistants and
19 other employees as they may deem necessary and may define and prescribe their
20 respective duties, term of office and compensation.

21 The board, in its discretion, may charge for the privileges of the Recrea-
22 tion centers established under this Act, but said fees shall be for maintenance
23 only.

Sec. 8. Any Recreation District organized under this Act shall have power to rent, to acquire by gift, grant or purchase, or by condemnation under the act of eminent domain, any and all real estate, lands or rights and all other property needed in carrying out the object of this Act. It shall have the power to purchase, rent, construct, equip and maintain buildings suitable for gymnasium, bathing, swimming and club purposes, and to own, equip and maintain athletic fields, the intent and object of this Act being to encourage and promote healthful indoor and outdoor recreation for the people of the district organized.

Any district created under this Act is hereby empowered to levy and collect a general tax on the property in the district for the necessary expenses of the district and to provide for salaries of officers and employees and the cost of improvements authorized by the Board. All such general taxes when collected shall be paid over to the treasurer of the district who is authorized to receive and receipt for the same, and all taxes authorized to be levied by the corporate authorities of any Recreation District created under this Act on the taxable property in said district shall be levied at the same time and in the same manner as taxes are now levied for city or village purposes under the laws of the State of Illinois: *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness and interest thereon, shall not exceed the rate of one cent on each dollar of taxable property in said district as equalized for State and county taxes for the preceding year.

For the payment of land purchased or condemned, for the construction of buildings, said district is authorized to issue bonds when approved by a vote of the people to an amount not exceeding 5 per cent of the value of taxable property therein to be ascertained by last assessment for State and county taxes previous to the issue from time to time of such bonds. The manner of submitting the question of bond issue shall be that described in Sections 1 and 2 of an Act requiring cities and villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, etc., approved June 4, 1909, in force July 1, 1909. Such bonds shall be issued when authorized, as aforesaid, in the name of the dis-

31 trict and shall be signed by the President and Treasurer; they shall bear in-
32 terest at not exceeding 5 per centum, payable semi-annually, and the principal
33 shall be payable at such time and place as the board may direct, not exceeding
34 twenty years. The Board of Directors may sell said bonds at not less than par
35 and the proceeds thereof shall be used exclusively for the purposes specified in
36 this Act.

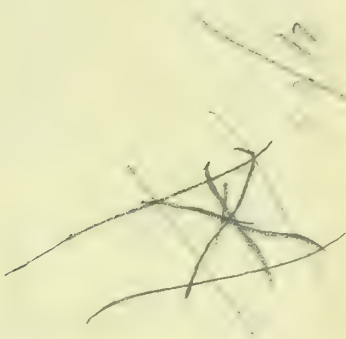
37 For the purpose of providing for the payment of the principal and interest
38 of bonds as they fall due, said district is and its corporate authorities are here-
39 by authorized, required and directed to appropriate and levy in addition to other
40 taxes authorized by this Act to be levied, an annual tax upon the taxable prop-
41 erty in said district for the payment of said principal and interest therein men-
42 tioned.

Sec. 9. An election shall take place annually for the election of two direc-
2 tors. Where the Recreation District coincides with or is a part of any city or
3 village, such election shall take place at same time and place of the municipal elec-
4 tion provided that the return shall be sent to the President and Board of said
5 Recreation District.

6 Vacancies by death, resignation or otherwise may be filled by the Board of
7 Directors until the next annual election.

8 All ordinances and resolutions of said Board may be proved by the certifi-
9 cate of its Secretary under the seal of the corporation, and when printed in
10 book or pamphlet form and purporting to be published by the authority of the
11 Board of Directors shall be received as evidence of the passage of such ordinan-
12 ces or resolutions as of the dates mentioned in such publication, in all courts and
13 places without further notice.

- 1 Introduced by Mr. Rawleigh, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.



THE UNIVERSITY OF ILLINOIS

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Acts in conflict

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- 1 Introduced by Mr. Rawleigh, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations, when appointed.

A BILL

For an Act giving the Railroad and Warehouse Commission of the State of Illinois jurisdiction over public utilities, and providing for the regulation of such public utilities by such commission, and repealing all Acts or parts of Acts in conflict with the provisions thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the term, “public utility,” as used in this Act, shall mean and embrace every corporation, company, individual, association of individuals, their lessees, trustees, or receivers appointed by any court whatsoever, and every town, village or city that now or hereafter may own, operate, manage or control any plant or equipment or any part of a plant or equipment within the State, for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, light, water or power, either directly or indirectly, to or for the public.

A. The term, “municipal council,” as used in this Act, shall mean and embrace the common council, the board of aldermen, the board of trustees, the town or village board, or any other governing body of any town, village or city where

13 in the property of the public utility or any part thereof is located.

14 B. The term "municipality," as used in this Act, shall mean any town,
15 village or city wherein property of a public utility or any part thereof is located.

16 C. The term "service" is used in this Act in its broadest and most inclu-
17 sive sense.

18 D. The term "perpetual franchise," as used in this Act, shall mean and
19 embrace every grant, directly or indirectly, from the State to any corporation,
20 company, individual, association of individuals, their lessees, trustees or receiv-
21 ers appointed by any court whatsoever of power, right or privilege to own, op-
22 erate, manage or control any plant or equipment or any part of a plant or equip-
23 ment within this State for the production, transmission, delivery or furnishing
24 of heat, light, water or power, either directly or indirectly, to or for the public,
25 which shall continue in force until such time as the municipality shall exercise
26 its option to purchase as provided in this Act or until it shall be otherwise ter-
27 minated according to law.

28 E. The term "commission" as used in this Act, shall mean the Railroad and
29 Warehouse Commission of Illinois.

Sec. 2. The Railroad and Warehouse Commission of Illinois is vested with
2 power and jurisdiction to supervise and regulate every public utility, as herein
3 defined, in this State and to do all things necessary and convenient in the exer-
4 cise of such powers and jurisdiction.

Sec. 3. Every public utility is required to furnish reasonably adequate ser-
2 vice and facilities. The charge made by any public utility for any heat, light,
3 water or power produced, transmitted, delivered or furnished, or for any tele-
4 phone message conveyed or for any service rendered or to be rendered in con-
5 nection therewith, shall be reasonable and just, and every unjust or unreasonable
6 charge for such service is prohibited and declared unlawful.

Sec. 4. A. Every public utility, and every person, association or corpora-
2 tion having conduits, subways, poles or other equipment on, over or under any
3 street or highway shall for a reasonable compensation permit the use of the same

4 by any public utility whenever public convenience and necessity require such use
5 and such use will not result in irreparable injury to the owner or other users
6 of such equipment nor in any substantial detriment to the service to be rendered
7 by such owners or other users.

8 B. In case of failure to agree upon such use or the conditions or compen-
9 sation for such use any public utility or any person, association or corporation
10 interested may apply to the commission, and if after investigation the commission
11 shall ascertain that public convenience and necessity require such use and that
12 it would not result in irreparable injury to the owner or other users of such
13 equipment nor in any substantial detriment to the service to be rendered by such
14 owner or other users of such equipment, it shall, by order, direct that such use
15 be permitted and prescribe reasonable conditions and compensation for such
16 joint use.

17 C. Such use so ordered shall be permitted and such conditions and com-
18 pensation so prescribed shall be the lawful conditions and compensation to be ob-
19 served, followed and paid, subject to recourse to the courts upon the complaint
20 of any interested party as provided in Sections 64 to 73, inclusive, and such
21 sections, so far as applicable, shall apply to any action arising on such com-
22 plaint so made. Any such order of the commission may be from time to time
23 revised by the commission upon application of any interested party or upon its
24 own motion.

Sec. 5. The commission shall value all the property of every public utility
2 actually used and useful for the convenience of the public. In making such val-
3 uation the commission may avail itself of any information in possession of the
4 State board of assessment.

Sec. 6. A. Before final determination of such value the commission shall,
2 after notice to the public utility, hold a public hearing as to such valuation in
3 the manner prescribed for hearing in Sections 45 to 55, inclusive, and the pro-
4 visions of such sections so far as applicable shall apply to such hearing.

5 B. The commission shall within five days after such valuation is deter-
6 mined, serve a statement thereof upon the public utility interested, and shall file

7 a like statement with the clerk of every municipality in which any part of the
8 plant or equipment of such public utility is located.

Sec. 7. The commission may at any time on its own initiative make a re-
2 valuation of such property.

Sec. 8. A. Every public utility shall keep and render to the commission in
2 the manner and form prescribed by the commission, uniform accounts of all busi-
3 ness transacted.

4 B. Every public utility engaged directly or indirectly in any other business
5 than that of the production, transmission or furnishing of heat, light, water or
6 power or the conveyance of telephone messages, shall, if required by the com-
7 mission, keep and render separately to the commission in like manner and form
8 the accounts of all such other business, in which case all the provisions of this
9 Act shall apply with like force and effect to the books, accounts, papers and
10 records of such other business.

Sec. 9. The commission shall prescribe the forms of all books, accounts, pa-
2 pers and records required to be kept, and every public utility is required to keep
3 and render its books, accounts, papers and records accurately and faithfully in
4 the manner and form prescribed by the commission and to comply with all di-
5 rections of the commission relating to such books, accounts, papers and records.

Sec. 10. The commission shall cause to be prepared suitable blanks for
2 carrying out the purpose of this Act, and shall, when necessary, furnish such
3 blanks to each public utility.

Sec. 11. No public utility shall keep any other books, accounts, papers or
2 records of the business transacted than those prescribed or approved by the
3 commisison.

Sec. 12. Each public utility shall have an office in one of the towns, villages
2 or cities in this State in which its property or some part thereof is located, and
3 shall keep in said office all such books, accounts, papers and records as shall be

4 required by the commission to be kept within the State. No books, accounts,
5 papers or records required by the commission to be kept within the State shall be
6 at any time removed from the State, except upon such conditions as may be pre-
7 scribed by the commission.

Sec. 13. The accounts shall be closed annually on the 30th day of June and
2 a balance sheet of that date promptly taken therefrom. On or before the 30th
3 day of September following, such balance sheet, together with such other infor-
4 mation as the commisison shall prescribe, verified by an officer of the public util-
5 ity, shall be filed with the commission.

Sec. 14. A. The commission shall provide for the examination and audit
2 of all accounts, and all items shall be allocated to the accounts in the manner pre-
3 scribed by the commission.

4 B. The agents, accountants or examiners employed by the commission
5 shall have authority under the direction of the commission to inspect and exam-
6 ine any and all books, accounts, papers, records and memoranda kept by such
7 public utilities.

Sec. 15. A. Every public utility shall carry a proper and adequate de-
2 preciation account whenever the commission after investigation shall determine
3 that such depreciation account can be reasonably required. The commission shall
4 ascertain and determine what are the proper and adequate rates of deprecia-
5 tion of the several classes of property of each public utility. The rates shall
6 be such as will provide the amounts required over and above the expense of main-
7 tenance, to keep such property in a state of efficiency corresponding to the
8 progress of the industry. Each public utility shall conform its depreciation ac-
9 counts to such rates so ascertained and determined by the commission. The
10 commission may make changes in such rates of depreciation from time to time
11 as it may find to be necessary.

12 B. The commission shall also prescribe rules, regulations and forms of ac-
13 counts regarding such depreciation which the public utility is required to carry
14 into effect.

15 C. The commission shall provide for such depreciation in fixing the rates,
16 tolls and charges to be paid by the public.

17 D. All moneys thus provided for shall be set aside out of the earnings and
18 carried in a depreciation fund. The moneys in this fund may be expended in new
19 constructions, extensions or additions to the property of such public utility, or
20 invested, and if invested the income from the investments shall also be carried
21 in the depreciation fund. This fund and the proceeds thereof shall be used for no
22 other purpose than as provided in this section and for depreciation.

Sec. 16. The commission shall keep itself informed of all new construction,
2 extensions and additions to the property of such public utilities, and shall pre-
3 scribe the necessary forms, regulations and instructions to the officers and em-
4 ployees of such public utilities for the keeping of construction accounts, which
5 shall clearly distinguish all operating expenses and new construction.

Sec. 17. A. Nothing in this Act shall be taken to prohibit a public utility
2 from entering into any reasonable arrangement with its customers or consumers
3 or with its employees, for the division or distribution of its surplus profits, or
4 providing for a sliding scale of charges, or other financial device that may be
5 practicable and advantageous to the parties interested. No such arrangement or
6 device shall be lawful until it shall be found by the commission, after investiga-
7 tion, to be reasonable and just and not inconsistent with the purposes of this
8 Act. Such arrangement shall be under the supervision and regulation of the
9 commisison.

10 B. The commission shall ascertain, determine and order such rates,
11 charges and regulations as may be necessary to give effect to such arrange-
12 ment, but the right and power to make such other and further changes in rates,
13 charges and regulations as the commission may ascertain and determine to be
14 necessary and reasonable and the right to revoke its approval and amend or
15 rescind all orders relative thereto is reserved and vested in the commission, not-
16 withstanding any such arrangement and mutual agreement.

Sec. 18. Each public utility shall furnish to the commission in such form
 2 and at such times as the commission shall require, such accounts, reports and
 3 information as shall show in itemized detail: (1) the depreciation per unit,
 4 (2) the salaries and wages separately per unit, (3) legal expenses per unit, (4)
 5 taxes and rentals separately per unit, (5) the quantity and value of material
 6 used per unit, (6) the receipts from residuals, by-products, services or other
 7 sales separately per unit, (7) the total and net cost per unit, (8) the gross and
 8 net profit per unit, (9) the dividends and interest per unit, (10) surplus or
 9 reserve per unit, (11) the prices per unit paid by consumers; and in addition
 10 such other items, whether of a nature similar to those hereinbefore enumer-
 11 ated or otherwise, as the commission may prescribe in order to show com-
 12 pletely and in detail the entire operation of the public utility in furnishing the
 13 unit of its product or service to the public.

Sec. 19. A. The commission shall publish annual reports showing its pro-
 2 ceedings and showing in tabular form the details per unit as provided in Sec-
 3 tion 18 for all the public utilities of each kind in the State, and such monthly
 4 or occasional reports as it may deem advisable.

5 B. The commission shall also publish in its annual reports the value of all
 6 the property actually used and useful for the convenience of the public and the
 7 value of the physical property actually used and useful for the convenience of
 8 the public, of every public utility as to whose rates, charges, service or regula-
 9 tions any hearing has been held by the commission under Sections 45 and 46,
 10 or the value of whose property has been ascertained by it under Section 5.

Sec. 20. All facts and information in possession of the commission shall
 2 be public, and all reports, records, files, books, accounts, papers and memoranda
 3 of every nature whatsoever in their possession shall be open to inspection by
 4 the public at all reasonable times except as provided in Section 21.

Sec. 21. A. Whenever the commission shall determine it to be necessary
 2 in the interest of the public to withhold from the public any facts or informa-

tion in its possession, such facts may be withheld for such period after the acquisition thereof not exceeding ninety days as the commission may determine.

B. No facts or information shall be withheld by the commission from the public for a longer period than ninety days, nor be so withheld for any reason whatsoever other than in the interest of the public.

Sec. 22. The commission shall ascertain and prescribe for each kind of public utility suitable and convenient, standard commercial units of product or service. These shall be lawful units for the purposes of this Act.

Sec. 23. A. The commission shall ascertain and fix adequate and serviceable standards for the measurement of quality, pressure, initial voltage or other condition pertaining to the supply of the product or service rendered by any public utility and prescribe reasonable regulations for examination and testing of such product or service and for the measurement thereof.

B. It shall establish reasonable rules, regulations, specifications and standards to secure the accuracy of all meters and appliances for measurements, and every public utility is required to carry into effect all orders issued by the commission relative thereto.

C. Nothing contained in this section shall limit in any manner any powers or authority vested in municipal corporations, as provided in Section 87.

Sec. 24. A. The commission shall provide for the examination and testing of any and all appliances used for the measuring of any product or service of a public utility.

B. Any consumer or user may have any such appliance tested upon payment of the fees fixed by the commission.

C. The commission shall declare and establish reasonable fees to be paid for testing such appliances on the request of the consumers or users, the fee to be paid by the consumer or user at the time of his request, but to be paid by the public utility and repaid to the consumer or user if the appliance be found defective or incorrect to the disadvantage of the consumer or user.

Sec. 25. The commission may purchase such materials, apparatus and
2 standard measuring instruments for such examinations and tests as it may deem
3 necessary.

Sec. 26. The commission, its agents, experts, or examiners, shall have
2 power to enter upon any premises occupied by any public utility for the purpose
3 of making the examinations and tests provided in this Act and to set up and
4 use on such premises any apparatus and appliances and occupy reasonable space
5 therefor.

Sec. 27. Every public utility shall file with the commission within a time
2 to be fixed by the commission, schedules which shall be open to public inspection,
3 showing all rates, tolls and charges which it has established and which are in
4 force at the time for any service performed by it within the State, or for any
5 service in connection therewith, or performed by any public utility controlled or
6 operated by it. The rates, tolls and charges shown on such schedules shall not
7 exceed the rates, tolls and charges in force April 1, 1911.

Sec. 28. Every public utility shall file with and as a part of such schedule
2 all rules and regulations that in any manner affect the rates charged or to be
3 charged for any service.

Sec. 29. A copy of so much of said schedules as the commission shall deem
2 necessary for the use of the public shall be printed in plain type, and kept on
3 file in every station or office of such public utility where payments are made by
4 the consumers or users, open to the public, in such form and place as to be
5 readily accessible to the public and as can be conveniently inspected.

Sec. 30. Where a schedule of joint rates or charges is or may be in force
2 between two or more public utilities, such schedules shall in like manner be
3 printed and filed with the commission and so much thereof as the commission
4 shall deem necessary for the use of the public shall be filed in every such station
5 or office as provided in Section 29.

Sec. 31. No change shall thereafter be made in any schedule, including
2 schedules of joint rates, except upon ten days' notice to the commission, and all
3 such changes shall be plainly indicated upon existing schedules, or by filing new
4 schedules in lieu thereof ten days prior to the time the same are to take effect:
5 *Provided*, that the commission, upon application of any public utility, may pre-
6 scribe a less time within which a reduction may be made.

Sec. 32. Copies of all new schedules shall be filed as hereinbefore provided
2 in every station and office of such public utility where payments are made by
3 consumers or users ten days prior to the time the same are to take effect, un-
4 less the commission shall prescribe a less time:

Sec. 33. It shall be unlawful for any public utility to charge, demand,
2 collect or receive a greater or less compensation for any service performed by
3 it within the State or for any service in connection therewith than is specified
4 in such printed schedules, including schedules of joint rates, as may at the time
5 be in force, or to demand, collect or receive any rate, toll or charge not specified
6 in such schedule. The rates, tolls and charges named therein shall be the law-
7 ful rates, tolls and charges until the same are changed as provided in this Act.

Sec. 34. The commission may prescribe such changes in the form in which
2 the schedules are issued by any public utility as may be found to be expedient.

Sec. 35. The commission shall provide for a comprehensive classification of
2 service for each public utility and such classification may take into account the
3 quantity used, the time when used, the purpose for which used, and any other
4 reasonable consideration. Each public utility is required to conform its sched-
5 ules of rates, tolls and charges to such classification.

Sec. 36. The commission shall have power to adopt reasonable and proper
2 rules and regulations relative to all inspections, tests, audits and investigations
3 and to adopt and publish reasonable and proper rules to govern its proceedings
4 and to regulate the mode and manner of all investigations and hearings of public
5 utilities and other parties before it. All hearings shall be open to the public.

Sec. 37. The commission shall have authority to inquire into the management of the business of all public utilities and shall keep itself informed as to the manner and method in which the same is conducted, and shall have the right to obtain from any public utility all necessary information to enable the commission to perform its duties.

Sec. 38. A. The commission or any commissioner or any person or persons employed by the commission for that purpose shall, upon demand, have the right to inspect the books, accounts, papers, records and memoranda of any public utility and to examine, under oath, any officer, agent or employee of such public utility in relation to its business and affairs.

B. Any person other than one of said commissioners, who shall make such demand shall produce his authority to make such inspection.

Sec. 39. A. The commission may require, by order or subpoena to be served on any public utility in the same manner that a summons is served in a civil action in the circuit court, the production within this State at such time and place as it may designate, of any books, accounts, papers or records kept by said public utility in any office or place without the State of Illinois, or verified copies in lieu thereof, if the commission shall so order, in order that an examination thereof may be made by the commission or under its direction.

B. Any public utility failing or refusing to comply with any such order or subpoena shall, for each day it shall so fail or refuse, forfeit and pay into the State treasury a sum of not less than fifty dollars nor more than five hundred dollars.

Sec. 40. The commission is authorized to employ such engineers, examiners, experts, clerks, accountants and other assistants as it may deem necessary, at such rates of compensation as it may determine upon.

Sec. 41. A. For the purpose of making any investigation with regard to any public utility the commission shall have the power to appoint, by an order in writing, an agent whose duties shall be prescribed in such order.

4 B. In the discharge of his duties such agent shall have every power what-
5 soever of an inquisitorial nature granted in this Act to the commission and the
6 same powers as a court commissioner with regard to the taking of depositions;
7 and all powers granted by law to a court commissioner relative to depositions
8 are hereby granted to such agent.

9 C. The commission may conduct any number of such investigations con-
10 temporaneously through different agents, and may delegate to such agent the
11 taking of all testimony bearing upon any investigation or hearing. The decis-
12 ion of the commission shall be based upon its examinations of all testimony and
13 records. The recommendations made by such agents shall be advisory only and
14 shall not preclude the taking of further testimony if the commission so order.
15 nor further investigation.

Sec. 42. A. Every public utility shall furnish to the commission all infor-
2 mation required by it to carry into effect the provisions of this Act, and shall
3 make specific answers to all questions submitted by the commission.

4 B. Any public utility receiving from the commission any blanks with direc-
5 tions to fill the same, shall cause the same to be properly filled out so as to an-
6 swer fully and correctly each question therein propounded, and in case it is un-
7 able to answer any question, it shall give a good and sufficient reason for such
8 failure; and said answer shall be verified under oath by the president, secretary,
9 superintendent or general manager of such public utility and returned to the
10 commission at its office within the period fixed by the commission.

11 C. Whenever required by the commission, every public utility shall deliver
12 to the commission any or all maps, profiles, contracts, reports of engineers and
13 all documents, books, accounts, papers and records or copies of any or all of
14 the same, with a complete inventory of all its property, in such form as the com-
15 mission may direct.

Sec. 43. Upon a complaint made against any public utility by any mercan-
2 tile, agricultural or manufacturing society or by any body politic or municipal
3 organization or by any twenty-five persons, firms, corporations or associations,

4 that any of the rates, tolls, charges or schedules or any joint rate or rates are
 5 in any respect unreasonable or unjustly discriminatory, or that any regulation,
 6 measurement, practice or act whatsoever affecting or relating to the production,
 7 transmission, delivery or furnishing of heat, light or water or power or any ser-
 8 vice in connection therewith or the conveyance of any telephone message or any
 9 service in connection therewith is in any respect unreasonable, insufficient or un-
 10 justly discriminatory, or that any service is inadequate or cannot be obtained,
 11 the commission shall proceed, with or without notice, to make such investiga-
 12 tion as it may deem necessary or convenient. But no order affecting said rates,
 13 tolls, charges, schedules, regulations, measurements, practice or act complained
 14 of shall be entered by the commission without a formal public hearing.

Sec. 44. The commission shall, prior to such formal hearing, notify the
 2 public utility complained of that a complaint has been made, and ten days after
 3 such notice has been given the commission may proceed to set a time and place
 4 for a hearing and an investigation as hereinafter provided.

Sec. 45. The commission shall give the public utility and the complainant,
 2 if any, ten days' notice of the time and place when and where such hearing and
 3 investigation will be held and such matters considered and determined. Both
 4 the public utility and complainant shall be entitled to be heard and shall have
 5 process to enforce the attendance of witnesses.

Sec. 46. A. If upon such investigation the rates, tolls, charges, schedules
 2 or joint rates, shall be found to be unjust, unreasonable, insufficient or unjustly
 3 discriminatory or to be preferential or otherwise in violation of any of the pro-
 4 visions of this Act, the commission shall have power to fix and order substituted
 5 therefor such rate or rates, tolls, charges or schedules as shall be just and reas-
 6 onable.

7 B. If upon such investigation it shall be found that any regulation, meas-
 8 urement, practice, act, or service complained of is unjust, unreasonable, insuf-
 9 ficient, preferential, unjustly discriminatory or otherwise in violation of any of
 10 the provisions of this Act, or if it be found that any service is inadequate or

11 that any reasonable service cannot be obtained, the commission shall have
 12 power to substitute therefor such other regulations, measurements, practices,
 13 service or acts and to make such order respecting, and such changes in such
 14 regulations, measurements, practices, service or acts as shall be just and reason-
 15 able.

Sec. 47. If upon such investigation it shall be found that any rate, toll,
 2 charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or un-
 3 justly discriminatory or preferential or otherwise in violation of any of the pro-
 4 visions of this Act, or that any regulation, practice, act or service complained of
 5 is unjust, unreasonable, insufficient, preferential or otherwise in violation of any
 6 of the provisions of this Act, or if it be found that any service is inadequate or
 7 that any reasonable service cannot be obtained, the public utility found to be
 8 at fault shall pay the expenses incurred by the commission upon such investi-
 9 gation.

Sec. 48. The commisison may, in its discretion, when complaint is made of
 2 more than one rate or charge, order separate hearings thereon, and may consider
 3 and determine the several matters complained of separately and at such times
 4 as it may prescribe. No complaint shall at any time be dismissed because of the
 5 absence of direct damage to the complainant.

Sec. 49. Whenever the commission shall believe that any rate or charge
 2 may be unreasonable or unjustly discriminatory or that any service is inade-
 3 quate or cannot be obtained or that an investigation of any matter relating to
 4 any public utility should for any reason be made, it may on its own motion,
 5 summarily investigate the same with or without notice.

Sec. 50. If, after making such investigation, the commission becomes satis-
 2 fied that sufficient grounds exist to warrant a formal hearing being ordered as to
 3 the matters so investigated, it shall furnish such public utility interested a
 4 statement notifying the public utility of the matters under investigation. Then
 5 days after such notice has been given the commission may proceed to set a time
 6 and place for a hearing and an investigation as hereinbefore provided.

Sec. 51. Notice of the time and place for such hearing shall be given to the
 2 public utility and to such other interested persons as the commission shall deem
 3 necessary as provided in Section 45, and thereafter proceedings shall be had and
 4 conducted in reference to the matter investigated in like manner as though com-
 5 plaint had been filed with the commission relative to the matter investigated, and
 6 the same order or orders may be made in reference thereto as if such investiga-
 7 tion had been made on complaint.

Sec. 52. Any public utility may make complaint as to any matter affecting
 2 its own product or service with like effect as though made by any mercantile,
 3 agricultural or manufacturing society, body politic or municipal organization or
 4 by any twenty-five persons, firms, corporations or associations.

Sec. 53. A. Each of the commissioners and every agent provided for in
 2 Section 41 of this Act for the purposes mentioned in this Act shall have power
 3 to administer oaths, certify to official acts, issue subpoenas, compel the attendance
 4 of witnesses and the production of books, accounts, papers, records, documents
 5 and testimony.

6 B. In case of disobedience on the part of any person or persons to comply
 7 with any order of the commission or any commissioner or any subpoena, or, on
 8 the refusal of any witness to testify to any matter regarding which he may be
 9 lawfully interrogated before the commission or its agent, authorized as pro-
 10 vided in Section 41, it shall be the duty of the Circuit Court of any county or
 11 the judge thereof, on application of a commissioner to compel obedience by at-
 12 tachment proceedings for contempt, as in the case of disobedience of the require-
 13 ments of a subpoena issued from such court or a refusal to testify therein.

Sec. 54. A. Each witness who shall appear before the commission or its
 2 agent by its order shall receive for his attendance the fees and mileage now pro-
 3 vided for witnesses in civil cases in courts of record, which shall be audited and
 4 paid by the State in the same manner as other expenses are audited and paid,
 5 upon the presentation of proper vouchers sworn to by such witnesses and ap-
 6 proved by the chairman of the commission.

7 B. No witness subpoenaed at the instance of parties other than the com-
8 mission shall be entitled to compensation from the State for attendance or
9 travel unless the commission shall certify that his testimony was material to
10 the matter investigated.

Sec. 55. The commission or any party may, in any investigation, cause the
2 depositions of witnesses residing within or without the State to be taken in the
3 manner prescribed by law for like depositions in civil actions in Circuit Courts.

Sec. 56. A full and complete record shall be kept of all proceedings had
2 before the commission or its agent on any formal investigation had and all
3 testimony shall be taken down by the stenographer appointed by the commis-
4 sion.

Sec. 57. Whenever any complaint is served upon the commission under the
2 provisions of Section 64 of this Act, the commission shall, before said action is
3 reached for trial, cause a certified transcript of all proceedings had and testi-
4 mony taken upon such investigation to be filed with the clerk of the Circuit
5 Court of the county where the action is pending.

Sec. 58. A transcribed copy of the evidence and proceedings or any speci-
2 fic part thereof, on any investigation taken by the stenographer appointed by the
3 commission, being certified by such stenographer to be a true and correct tran-
4 script in longhand of all testimony on the investigation or of a particular wit-
5 ness, or of other specific part thereof, carefully compared by him with his orig-
6 inal notes, and to be a correct statement of the evidence and proceedings had
7 on such investigation so purporting to be taken and transcribed, shall be re-
8 ceived in evidence with the same effect as if such reporter were present and
9 testified to the fact so certified.

Sec. 59. A copy of such transcript shall be furnished on demand free of
2 cost to any party to such investigations.

Sec. 60. A. Whenever, upon an investigation made under the provisions of this Act, the commission shall find any existing rates, tolls, charges, schedules or joint rate or rates to be unjust, unreasonable, insufficient or unjustly discriminatory or to be preferential or otherwise in violation of any of the provisions of this Act, the commission shall determine and by order fix reasonable rates, tolls, charges, schedules or joint rates to be imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this Act.

B. Whenever, upon an investigation made under the provisions of this Act, the commission shall find any regulations, measurements, practices, acts or service to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this Act; or shall find that any service is inadequate or that any service which can be reasonably demanded cannot be obtained the commission shall determine and declare and by order fix reasonable measurements, regulations, acts, practices or service to be furnished, imposed, observed and followed in the future in lieu of those found to be unjust, unreasonable, insufficient, preferential, unjustly discriminatory, inadequate, or otherwise in violation of this Act as the case may be, and shall make such other order respecting such measurements, regulation, act, practice or service as shall be just and reasonable.

C. Whenever, upon an investigation made under the provisions of this Act, the commission shall find that any rate, toll, charge, schedule or joint rate or rates is unjust, unreasonable, insufficient or unjustly discriminatory or preferential or otherwise in violation of any of the provisions of this Act, or that any measurement, regulation, practice, act or service complained of is unjust, unreasonable, insufficient, preferential, unjustly discriminatory or otherwise in violation of any of the provisions of this Act, or it shall find that any service is inadequate or that any service which can reasonably be demanded cannot be obtained, the commission shall ascertain and declare and by order fix the expenses

31 incurred by the commission upon such investigation and shall by such order
32 direct such public utility to pay to the State treasurer within twenty days there-
33 after such expenses so incurred.

34 D. The commission shall cause a certified copy of all such orders to be de-
35 livered to an officer or agent of the public utility affected thereby, and all such
36 orders shall of their own force take effect and become operative twenty days
37 after service thereof, unless a different time be provided by said order.

Sec. 61. All public utilities to which the order applies shall make such
2 changes in their schedules on file as may be necessary to make the same conform
3 to said order, and no change shall thereafter be made by any public utility in any
4 such rates, tolls or charges, or in any joint rate or rates, without the approval
5 of the commisison. Certified copies of all other orders of the commisison shall
6 be delivered to the public utility affected thereby in like manner and the same
7 shall take effect within such time thereafter as the commisison shall prescribe.

Sec. 62. The commisison may at any time, upon notice to the public utility
2 and after opportunity to be heard as provided in Section 45, rescind, alter or
3 amend any order fixing any rate or rates, tolls, charges or schedules, or any
4 other order made by the commission and certified copies of the same shall be
5 served and take effect as herein provided for original orders.

Sec. 63. All rates, tolls, charges, schedules and joint rates fixed by the com-
2 misison shall be in force and shall be *prima facie* lawful, and all regulations,
3 practices and services prescribed by the commisison shall be in force and shall be
4 *prima facie* reasonable until finally found otherwise in an action brought for
5 that purpose pursuant to the provisions of Section 64.

Sec. 64. A. Any public utility and any person or corporation in interest
2 being dissatisfied with any order of the commission fixing any rate or rates, tolls,
3 charges, schedules, joint rate or rates or any order fixing any regulations, prac-
4 tices, act or service may commence an action in the circuit court of Sangamon
5 county against the commission as defendant to vacate and set aside any such

6 order on the ground that the rate or rates, tolls, charges, schedules, joint rate
7 or rates, fixed in such order is unlawful, or that any such regulation, practice, act
8 or service fixed in such order is unreasonable, in which action the complaint
9 shall be served with the summons.

10 B. The answer of the commission to the complaint shall be served and filed
11 within ten days after service of the complaint, whereupon said action shall be at
12 issue and stand ready for trial upon ten days' notice to either party.

13 C. All such actions shall have precedence over any civil cause of a differ-
14 ent nature pending in such court, and the circuit court shall always be deemed
15 open for the trial thereof, and the same shall be tried and determined as other
16 civil actions.

Sec. 65. Every proceeding, action or suit to set aside, vacate or amend any
2 determination or order of the commission or to enjoin the enforcement thereof
3 or to prevent in any way such order or determination from becoming effective,
4 shall be commenced, and every appeal to the courts or right of recourse to the
5 courts shall be taken or exercised within ninety days after the entry or rendition
6 of such order or determination, and the right to commence any such action, pro-
7 ceeding or suit, or to take or exercise any such appeal or right of recourse to
8 the courts, shall terminate absolutely at the end of such ninety days after such
9 entry or rendition thereof.

Sec. 66. No injunction shall issue suspending or staying any order of the
2 commission, except upon application to the circuit court or presiding judge
3 thereof, notice to the commission, and hearing.

Sec. 67. A. If, upon the trial of such action, evidence shall be introduced
2 by the plaintiff which is found by the court to be different from that offered
3 upon the hearing before the commission or its authorized agent, or additional
4 thereto, the court, before proceeding to render judgment unless the parties to
5 such action stipulate in writing to the contrary, shall transmit a copy of such
6 evidence to the commission and shall stay further proceedings in said action for
7 fifteen days from the date of such transmission.

8 B. Upon the receipt of such evidence the commission shall consider the
9 same and may alter, modify, amend or rescind its order relating to such rate or
10 rates, tolls, charges, schedules, joint rate or rates, regulations, practice, act or
11 service complained of in said action, and shall report its action thereon to said
12 court within ten days from the receipt of such evidence.

Sec. 68. A. If the commission shall rescind its order complained of, the
2 action shall be dismissed; if it shall alter, modify or amend the same, such al
3 tered, modified or amended order shall take the place of the original order com-
4 plained of, and judgment shall be rendered thereon as though made by the com
5 mission in the first instance.

6 B. If the original order shall not be rescinded or changed by the com-
7 mission judgment shall be rendered upon such original order.

Sec. 69. Either party to said action, within sixty days after service of a
2 copy of the order or judgment of the circuit court, may appeal to the supreme
3 court. Where an appeal is taken the cause shall, on the return of the papers to
4 the supreme court, be immediately placed on the State calendar of the then pend-
5 ing term and shall be assigned and brought to a hearing in the same manner as
6 other causes on the State calender.

Sec. 70. In all trials, actions and proceedings arising under the provisions
2 of this Act or growing out of the exercise of the authority and powers granted
3 herein to the commission, the burden of proof shall be upon the party adverse to
4 such commission or seeking to set aside any determination, requirement, direc-
5 tion or order of said commission, to show by clear and satisfactory evidence that
6 the determination, requirement, direction or order of the commission complained
7 of is unreasonable or unlawful, as the case may be.

Sec. 71. In all actions and proceedings in court arising under this Act all
2 processes shall be served and the practice and rules of evidence shall be the same
3 as in civil actions, except as otherwise herein provided. Every sheriff or other
4 officer empowered to execute civil processes shall execute any process issued

under the provisions of this Act and shall receive such compensation therefor as may be prescribed by law for similar services.

Sec. 72. No person shall be excused from testifying or from producing books, accounts and papers in any proceeding based upon or growing out of any violation of the provisions of this Act on the ground or for the reason that the testimony or evidence, documentary or otherwise, required by him may tend to incriminate him or subject him to penalty or forfeiture; but no person having so testified shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter or thing concerning which he may have testified or produced any documentary evidence: *Provided*, that no person so testifying shall be exempted from prosecution or punishment for perjury in so testifying.

Sec. 73. Upon application of any person the commission shall furnish certified copies, under the seal of the commission, of any order made by it, which shall be *prima facie* evidence of the facts stated therein.

Sec. 74. A. No license, permit or franchise shall be granted to any person, copartnership or corporation to own, operate, manage or control any plant or equipment for the production, transmission, delivery or furnishing of heat, light, water or power in any municipality where there is in operation under a perpetual franchise as provided in this Act a public utility engaged in similar service without first securing from the commission a declaration after a public hearing of all parties interested, that public convenience and necessity require such second public utility.

B. Any existing permit, license or franchise which shall contain any term whatsoever interfering with the existence of such second public utility is hereby amended in such a manner as to permit such municipality to grant a perpetual franchise for the operation of such second public utility pursuant to the provisions of this Act.

C. No municipality shall hereafter construct any such plant or equipment where there is in operation under a perpetual franchise as provided in this Act,

16 in such municipality a public utility engaged in similar service, without first
17 securing from the commission a declaration, after a public hearing of all parties
18 interested, that public convenience and necessity require such municipal
19 public utility. But nothing in this section shall be construed as preventing a
20 municipality acquiring any existing plant by purchase or by condemnation as
21 hereinafter provided.

22 D. Nothing in this section shall be construed so as to prevent the granting
23 of a perpetual franchise or the construction of a municipal plant where the existing
24 public utility is operating without a perpetual franchise, as provided in
25 this Act.

Sec. 75. No license, permit or franchise to own, operate, manage or control
2 any plant or equipment for the production, transmission, delivery or furnishing
3 of heat, light, water or power shall be hereafter granted or transferred, except
4 to a corporation duly organized under the laws of the State of Illinois.

Sec. 76. Every license, permit or franchise hereafter granted to any public
2 utility shall have the effect of a perpetual franchise subject to the provisions of
3 this Act, and subject to the provision that the municipality in which the major
4 part of its property is situate may purchase the property of such public utility
5 actually used and useful for the convenience of the public at any time as provided
6 herein, paying therefor just compensation to be determined by the commission and
7 according to the terms and conditions fixed by said commission. Any such municipality
8 is authorized to purchase such property and every such public utility is
9 required to sell such property at the value and according to the terms and conditions
10 determined by the commission as herein provided.

Sec. 77. Any public utility, being at the time a corporation duly organized
2 under the laws of the State of Illinois, operating under an existing license, permit,
3 or franchise, shall, upon filing at any time prior to the expiration of such
4 license, permit or franchise and prior to December 31, 1913, with the clerk of
5 the municipality which granted such franchise and with the commission, a written
6 declaration legally executed, that it surrenders such license, permit or fran-

chise, receive by operation of law in lieu thereof, a perpetual franchise as provided in this Act, and such public utility shall hold such franchise under all the terms, conditions and limitations of this Act. The filing of such declaration shall be deemed a waiver by such public utility of the right to insist upon the fulfillment of any contract theretofore entered into relating to any rate, charge or service regulated by this Act. *After filing such written declaration with the commission, the public utility may file with the commission a certificate of the clerk of the municipality showing the fact and the date of the filing of such written declaration with such clerk, and thereupon shall receive a certificate under the hands and seal of the commission that such public utility is, on and after a day to be therein specified, the holder of such perpetual franchise, which certificate shall be presumptive evidence of the facts therein stated.*

Sec. 78. Any public utility accepting or operating under any license, permit or franchise hereafter granted shall, by acceptance of any such perpetual franchise, be deemed to have consented to a future purchase of its property actually used and useful for the convenience of the public by the municipality in which the major part of it is situate for the compensation and under the terms and conditions determined by the commission, and shall thereby be deemed to have waived the right of requiring the necessity of such taking to be established by the verdict of a jury, and to have waived all other remedies and rights relative to condemnation, except such rights and remedies as are provided in this Act.

Sec. 79. A. Any municipality shall have the power, subject to the provisions of this Act, to construct and operate a plant and equipment or any part thereof for the production, transmission, delivery or furnishing of heat, light, water or power.

B. Any municipality shall have the power, subject to the provisions of this Act, to purchase by an agreement with any public utility any part of any plant: *Provided*, that such purchase and the terms thereof shall be approved by the commission after a hearing as provided in Sections 81 and 82.

C. Any municipality shall have the power, subject to the provisions of this

10 Act, to acquire by condemnation the property of any public utility actually used
11 and useful for the convenience of the public then operating under a license, per-
12 mit or franchise existing at the time this Act takes effect, or operating in such
13 municipality without any permit or franchise.

14 D. Any municipality shall have the power, subject to the provisions of this
15 Act, to acquire by purchase as provided in this Act, the property of any public
16 utility actually used and useful for the convenience of the public operating
17 under any perpetual franchise as provided herein.

Sec. 80. If the municipality shall have determined to acquire an existing
2 plant then operated under a license, permit or franchise existing at the time this
3 Act takes effect, *by a vote of a majority of the electors voting thereon at any*
4 *general, municipal or special election at which the question of the purchase of*
5 *such plant shall have been submitted*, such municipality shall bring an action
6 in the Circuit Court against the public utility as defendant praying the court for
7 an adjudication as to the necessity of such taking by the municipality, in which
8 action the complaint shall be served with the summons. The public utility shall
9 serve and file its answer to such complaint within ten days after the service
10 thereof, whereupon such action shall be at issue and stand ready for trial upon
11 ten days' notice by either party. Unless the parties thereto waive a jury, the
12 question as to the necessity of the taking of such property by the municipality
13 shall be as speedily as possible submitted to a jury.

Sec. 81. If the municipality shall have determined to acquire an existing
2 plant *in the manner provided in the preceding section*, and the public utility
3 owning such plant shall have consented to the taking over of such plant by the
4 municipality by acceptance of a perpetual franchise as provided herein, or, in
5 case such public utility shall not have waived or consented to such taking, if
6 the jury shall have found that a necessity exists for the taking of such plant,
7 then the municipality shall give speedy notice of such determination and of such
8 consent or such verdict of a jury to the public utility and to the commission.

Sec. 82. The commission shall thereupon, after public hearing and within
2 three months from the receipt of such notice and upon notice to the munici-
3 pality and the public utility interested, by order fix and determine and certify
4 to the municipal council and to the public utility just compensation to be paid
5 for the taking of the property of such public utility actually used and useful
6 for the convenience of the public and all other terms and all conditions of sale
7 and purchase which it shall ascertain to be reasonable. The compensation and
8 other terms and the conditions of the sale and purchase, thus certified by the
9 commission shall constitute the compensation and terms and conditions to be
10 paid, followed and observed in the purchase of such plant from such public
11 utility. Upon the filing of such certificate with the clerk of such municipality
12 the exclusive use of the property taken shall vest in such municipality.

Sec. 83. Any public utility or the municipality being dissatisfied with such
2 order may commence and prosecute an action in the Circuit Court to alter or
3 amend such order or any part thereof, as provided in Sections 64 to 73 inclusive,
4 and said sections so far as applicable shall apply to such action.

Sec. 84. If the plaintiff shall not establish to the full satisfaction of the
2 court that the compensation fixed and determined in such order is unlawful, or
3 that some of the terms or conditions fixed and determined therein are in some
4 particular unreasonable, the compensation, terms and conditions fixed in said
5 order shall be the compensation, terms and conditions to be paid, followed and
6 observed in the purchase of said plant from such public utility.

Sec. 85. If the plaintiff shall establish to the full satisfaction of the court
2 and the court shall adjudge that such compensation is unlawful, or that some
3 of such terms or conditions are unreasonable, the court shall remand the same
4 to the commission, with such findings of fact and conclusions of law as shall set
5 forth in detail the reasons for such judgment and the specific particulars in
6 which such order of the commission is adjudged to be unreasonable or unlawful.

Sec. 86. A. If the compensation fixed by the previous order of the commission be adjudged to be unlawful, the commission shall forthwith proceed to set a re-hearing for the re-determination of such compensation as in the first instance.

B. The commission shall forthwith otherwise alter and amend such previous order with or without a re-hearing as it may deem necessary, so that the same shall be reasonable and lawful in every particular.

Sec. 87. Every municipal council shall have power: (1) To determine by contract, ordinance or otherwise, the quality and character of each kind of product or service to be furnished or rendered by any public utility furnishing any product or service within said municipality and all other terms and conditions not inconsistent with this Act upon which such public utility may be permitted to occupy the streets, highways or other public property within such municipality and such contract, ordinance or other determination of such municipality shall be in force and *prima facie* reasonable. Upon complaint made by such public utility or by any qualified complainant as provided in Section 43, the commission shall set a hearing as provided in Sections 45 and 46, and if it shall find such contract, ordinance or other determination to be unreasonable, such contract, ordinance or other determination shall be void.

(2) To require of any public utility by ordinance or otherwise such additions and extensions to its physical plant within said municipality as shall be reasonable and necessary in the interest of the public, and to designate the location and nature of all such additions and extensions, the time within which they must be completed and all conditions under which they must be constructed subject to review by the commission as provided in subdivision 1 of this section.

(3) To provide for a penalty for non-compliance with the provisions of any ordinance or resolution adopted pursuant to the provisions hereof.

(4) The power and authority granted in this section shall exist and be vested in said municipalities, anything in this Act to the contrary notwithstanding.

Sec. 88. A. No public utility or any agent or officer thereof, or any agent⁴ or

2 officer of any municipality constituting a public utility as defined in this Act
 3 shall offer or give for any purpose to any political committee or any member or
 4 employee thereof, to any candidate for or incumbent of, any office or position
 5 under the constitution or laws or under any ordinance of any municipality of
 6 this State, or to any person at the request, or for the advantage of all or any of
 7 them, any frank or any privilege withheld from any person for any product or
 8 service produced, transmitted, delivered, furnished or rendered, or to be pro-
 9 duced, transmitted, delivered, furnished or rendered by any public utility, or the
 10 conveyance of any telephone message or communication or any free product or
 11 service whatsoever.

12 B. No political committee and no member or employee thereof, no candidate
 13 for and no incumbent of any office or position under the constitution or laws
 14 or under any ordinance of any town or municipality of this State, shall ask for
 15 or accept from any public utility or any agent or officer thereof, or any agent or
 16 officer of any municipality constituting a public utility as defined in this Act, or
 17 use in any manner or for any purpose any frank or privilege withheld from any
 18 person, for any product or service produced, transmitted, delivered, furnished or
 19 rendered, or to be produced, transmitted, delivered, furnished or rendered by
 20 any public utility or the conveyance of any telephone message or communica-
 21 tion.

22 C. Any violation of any of the provisions of this section shall be punished
 23 by imprisonment in the State prison not more than five years nor less than one
 24 year, or by fine not exceeding one thousand dollars nor less than two hundred
 25 dollars.

Sec. 89. A. If any public utility or any agent or officer thereof, or any

2 officer or any municipality constituting a public utility as defined in this Act
 3 shall, directly or indirectly, by any device whatsoever or otherwise, charge, de-
 4 mand, collect or receive from any person, firm or corporation, a greater or less
 5 compensation for any service rendered or to be rendered by it in or affecting or
 6 relating to the production, transmission, delivery or furnishing of heat, light,

7* water or power or the conveyance of telephone messages or for any service in
 8 connection therewith than that prescribed in the published schedules or tariffs
 9 then in force or established as provided herein, or than it charges, demands, col-
 10 lects or receives from any other person, firm or corporation for a like and con-
 11 temporaneous service, such public utility shall be deemed guilty of unjust dis-
 12 crimination which is hereby prohibited and declared to be unlawful, and upon
 13 conviction thereof shall forfeit and pay into the State treasury not less than one
 14 hundred dollars nor more than one thousand dollars for each offense; and such
 15 agent or officer so offending shall be deemed guilty of a misdemeanor and upon
 16 conviction thereof shall be punished by a fine of not less than fifty dollars nor
 17 more than one hundred dollars for each offense.

Sec. 90. It shall be unlawful for any public utility to demand, charge,
 2 collect or receive from any person, firm or corporation less compensation for
 3 any service rendered or to be rendered by said public utility in consideration of
 4 the furnishing by said person, firm or corporation of any part of the facilities
 5 incident to the production, transmission, delivery or furnishing of heat, light,
 6 water or power or the conveyance of telephone messages and paying a reason-
 7 able rental therefor, *or as requiring any public utility to furnish any part of such*
 8 *appliances which are situated in and upon the premises of any consumer or user,*
 9 *except telephone station equipment upon the subscribers' premises, and unless*
 10 *otherwise ordered by the commission* meters and appliances for measurements of
 11 any product or service.

Sec. 91. If any public utility make or give any undue or unreasonable pref-
 2 erence or advantage to any particular person, firm or corporation or shall sub-
 3 ject any particular person, firm or corporation to any undue or unreasonable
 4 prejudice or disadvantage in any respect whatsoever such public utility shall
 5 be deemed guilty of unjust discrimination which is hereby prohibited and de-
 6 clared unlawful.

7 The furnishing by any public utility, of any product or service at the rates
 8 and upon the terms and conditions provided for in any existing contract executed

9 prior to April 1, 1911, shall not constitute a discrimination within the meaning
 10 specified. Any person, firm or corporation violating the provisions of this sec-
 11 tion shall be deemed guilty of a misdemeanor and on conviction thereof shall be
 12 punished by a fine of not less than fifty dollars, nor more than one thousand
 13 dollars for each offense.

Sec. 92. It shall be unlawful for any person, firm or corporation knowingly
 2 to solicit, accept or receive any rebate, concession or discrimination in respect
 3 to any service in or affecting or relating to the production, transmission, de-
 4 livery or furnishing of heat, light, water or power or the conveying of telephone
 5 messages within this State, or for any service in connection therewith whereby
 6 any such service shall, by any device whatsoever, or otherwise, be rendered free
 7 or at a less rate than that named in the published schedules and tariffs in force
 8 as provided herein, or whereby any service or advantage is received other than
 9 is herein specified. Any person, firm or corporation violating the provisions of
 10 this section shall be deemed guilty of a misdemeanor and on conviction thereof
 11 shall be punished by a fine of not less than fifty dollars nor more than one thou-
 12 sand dollars for each offense.

Sec. 93. If any public utility shall do or cause to be done or permit to be
 2 done any matter, act or thing in this Act prohibited or declared to be unlaw-
 3 ful, or shall omit to do any act, matter or thing required to be done by it, such
 4 public utility shall be liable to the person, firm or corporation injured thereby in
 5 treble the amount of damages sustained in consequence of such violation: *Pro-*
 6 *vided*, that any recovery as in this section provided, shall in no manner affect a
 7 recovery by the State of the penalty prescribed for such violation.

Sec. 94. A. Any officer, agent or employee of any public utility or of any
 2 municipality constituting a public utility as defined in this Act who shall fail or
 3 refuse to fill out and return any blanks, as required by this Act, or shall fail or
 4 refuse to answer any question therein propounded, or shall knowingly or wil-
 5 fully give a false answer to any such question, or shall evade the answer to any

6 such question where the fact inquired of is within his knowledge, or who shall,
 7 upon proper demand, fail or refuse to exhibit to the commission or any com-
 8 missioner or any person authorized to examine the same, any book, paper, ac-
 9 count, record, or memoranda or such public utility which is in his possession or
 10 under his control, or who shall fail to properly use and keep his system of
 11 accounting or any part thereof as prescribed by the commission, or who shall
 12 refuse to do any act or thing in connection with such system of accounting when
 13 so directed by the commission or its authorized representative, shall be deemed
 14 guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine
 15 or not less than one thousand dollars for each offense.

16 B. And a penalty of not less than five hundred dollars nor more than one
 17 thousand dollars shall be recovered from the public utility for each such offense
 18 when such officer, agent or employee acted in obedience to the direction, instruc-
 19 tion or request of such public utility or any general officer thereof.

Sec. 95. A. If any public utility shall violate any provision of this act, or
 2 shall do any act herein prohibited or shall fail or refuse to perform any duty
 3 enjoined upon it for which a penalty has not been provided, or shall fail, neg-
 4 lect or refuse to obey any lawful requirement or order made by the commission
 5 or the municipal council or any judgment or decree made by any court upon its
 6 application, for every such violation, failure or refusal, such public utility shall
 7 forfeit and pay into the treasury a sum not less than one hundred dollars nor
 8 more than one thousand dollars for each offense.

9 B. In construing and enforcing the provisions of this section the act,
 10 omission or failure of any officer, agent or other person acting for or employed
 11 by any public utility acting within the scope of his employment, shall in every
 12 case be deemed to be the act, omission or failure of such public utility.

Sec. 96. If any officer of any town, village or city constituting a public
 2 utility as defined in this Act shall do or cause to be done or permit to be done
 3 any matter, act or thing in this Act prohibited or declared to be unlawful, or
 4 shall omit, fail, neglect or refuse to do any act, matter or thing required by this

5 act of such officer to be done, or shall omit, fail, neglect or refuse to perform
6 any duty enjoined upon him and relating directly or indirectly to the enforce-
7 ment of this Act, or shall omit, fail, neglect or refuse to obey any lawful require-
8 ment or order made by the commission or any judgment or decree made by the
9 court upon its application, for every such violation, failure or refusal such officer
10 shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be
11 punished by a fine of not less than fifty dollars nor more than five hundred dol-
12 lars.

Sec. 97. A. Any person who shall destroy, injure or interfere with any
2 apparatus or appliance owned or operated by or in charge of the commission
3 or its agent shall be deemed guilty of a misdemeanor, and upon conviction shall
4 be punished by fine not exceeding one hundred dollars or imprisonment for a
5 period not exceeding thirty days, or both.

6 B. Any public utility permitting the destruction, injury to, or interference
7 with any such apparatus or appliance, shall forfeit a sum not exceeding one
8 thousand dollars for each offense.

Sec. 98. Every day during which any public utility or any officer, agent
2 or employee thereof shall fail to observe and comply with any order or direction
3 of the commission, or to perform any duty enjoined by this Act, shall consti-
4 tute a separate and distinct violation of such order or direction or of this Act,
5 as the case may be.

Sec. 99. A. The commission shall have power, when deemed by it neces-
2 sary to prevent injury to the business or interests of the people or any public
3 utility of this State in case of any emergency to be judged of by the commission,
4 to temporarily alter, amend, or with the consent of the public utility concerned,
5 suspend any existing rates, schedules and order relating to or affecting any pub-
6 lic utility or part of any public utility in this State.

7 B. Such rates so made by the commission shall apply to one or more of the
8 public utilities in this State or to any portion thereof as may be directed by

9 the commission, and shall take effect at such time and remain in force for such
10 length of time as may be prescribed by the commission.

Sec. 100. Whenever, after hearing and investigation as provided in this
2 Act, the commission shall find that any rate, toll, charge, regulation or practice
3 for, in or affecting or relating to the production, transmission, delivery or fur-
4 nishing of heat, light, water or power or the conveying of any telephone mes-
5 sage or any service in connection therewith not hereinbefore specifically desig-
6 nated, is unreasonable or unjustly discriminatory, it shall have the power to
7 regulate the same as provided in Sections 43 to 51 and 60 to 62 inclusive.

Sec. 101. A. Every public utility shall, whenever an accident attended with
2 loss of human life occurs within this State upon its premises or directly or indi-
3 rectly arising from or connected with its maintenance or operation, give im-
4 mediate notice thereof to the commission.

5 B. In the event of any such accident the commission, if it deem the public
6 interest require it, shall cause an investigation to be made forthwith, which in-
7 vestigation shall be held in the locality of the accident, unless for greater con-
8 venience of those concerned it shall order such investigation to be held at some
9 other place; and said investigation may be adjourned from place to place as
10 may be found necessary and convenient. The commission shall seasonably no-
11 tify the public utility of the time and place of the investigation.

Sec. 102. A. The commission shall inquire into any neglect or violation of
2 the laws of this State by any public utility doing business therein, or by the of-
3 ficers, agents or employees thereof, or by any person operating the plant of any
4 public utility, and shall have the power and it shall be its duty to enforce the
5 provisions of this Act as well as all other laws relating to public utilities, and
6 to report all violations thereof to the Attorney General.

7 B. Upon the request of the commission it shall be the duty of the Attorney
8 General or the State's attorney of the proper county to aid in any investigation,
9 hearing or trial had under the provisions of this Act, and to institute and prose-
10 cute all necessary actions or proceedings for the enforcement of this Act and

11 of all other laws of this State relating to public utilities and for the punishment
 12 of all violations thereof.

13 C. Any forfeiture or penalty herein provided shall be recovered and suit
 14 therein shall be brought in the name of the People of the State of Illinois in the
 15 circuit court of Sangamon County. Complaint for the collection of any such
 16 forfeiture may be made by the commission or any member thereof, and when
 17 so made the action so commenced shall be prosecuted by the Attorney General.

18 D. The commission shall have authority to employ counsel in any proceed-
 19 ing, investigation, hearing or trial.

Sec. 103. A substantial compliance with the requirements of this Act shall
 2 be sufficient to give effect to all the rules, orders, acts and regulations of the com-
 3 mission and they shall not be declared inoperative, illegal or void for any omis-
 4 sion of a technical nature in respect thereto.

Sec. 104. This Act shall not have the effect to release or waive any right
 2 of action by the State or by any person for any right, penalty or forfeiture
 3 which may have arisen or which may hereafter arise, under any law of this
 4 State; and all penalties and forfeitures accruing under this Act shall be cumula-
 5 tive and a suit for any recovery of one shall not be a bar to the recovery of any
 6 other penalty.

Sec. 105. A. Unless the commission shall otherwise order, it shall be un-
 2 lawful for any public utility within this State to demand, collect or receive a
 3 greater compensation for any service than the charge fixed on the lowest sched-
 4 ules of rates for the same service on the first day of April, 1911.

5 B. Every public utility in this State shall, within thirty days after the
 6 going into effect of this Act, file in the office of the commission, copies of all
 7 schedules of rates and charges, including joint rates, in force on the first day of
 8 April, 1911, and all rates in force at any time subsequent to said date.

9 C. Any public utility desiring to advance or discontinue any such rate or
 10 rates may make application to the commission in writing stating the advance in

11 or discontinuation of the rate or rates desired, giving the reasons for such ad
12 vance or discontinuation.

13 D. Upon receiving such application the commission shall fix a time and
14 place for hearing and give such notice to interested parties as it shall deem
15 proper and reasonable. If, after such hearing and investigation, the commis-
16 sion shall find that the change or discontinuation applied for is reasonable, fair
17 and just, it shall grant the application either in whole or in part.

18 E. Any public utility being dissatisfied with any order of the commission
19 made under the provisions of this section may commence an action against it in
20 the circuit court in the manner provided in Sections 64 to 73, inclusive, of this
21 Act, which action shall be tried and determined in the same manner as is pro-
22 vided in said sections.

Sec. 106. Whenever the Railroad and Warehouse Commission of Illinois is
2 required to issue notices of investigation, notices of hearing, or to certify to
3 copies of the records of the Commission, such notices of certification may be
4 issued by any member of the Commission or by the Secretary of the Commission.

Sec. 107. This Act shall not apply to any city or cities in the State of Illi-
2 nois, having a population of 200,000 or more.

Sec. 108. All Acts or parts of Acts conflicting with any provisions of this
2 Act, are repealed insofar as they are inconsistent herewith.

1 Introduced by Mr. Reid (by request). January 25, 1911.

2 Read by title, ordered printed and referred to Committee on Judicial, Depart-
ment and Practice, when appointed.

A BILL

For an Act entitled "An Act in relation to procedure in criminal cases."

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That every indictment or accusation of
3 a grand jury, and all informations and complaints, in criminal cases, shall be
4 deemed sufficiently technical and correct which state the offense in the terms
5 and language of the statute creating the offense, or so plainly that the nature
6 of the offense may be easily understood by the jury.

7 One caption will be sufficient, although the indictment contains more than
8 one count.

Sec. 2. The provisions hereinafter set forth shall apply to indictments,
2 informations, or complaints, in criminal cases.

3 Indictments, informations and complaints shall contain a plain and concise
4 description of the Act which constitutes the crime, or the appropriate legal
5 term descriptive of such Act, or state the offense in the terms and language

6 of the statute, without a detailed description thereof, and the circumstances of
 7 the Act may be stated according to their legal effect without a full description
 8 thereof.

Sec. 3. In every indictment, information or complaint where it shall be
 2 requisite to state the ownership of any property whatsoever, whether real or
 3 personal, which shall belong to or be in the possession of more than one per-
 4 son, whether such persons be partners in trade, joint tenants, parceners, ten-
 5 ants in common, or members of associations, joint stock associations, joint
 6 stock companies or of societies, clubs or organizations, it shall be sufficient to
 7 name one of such persons and to state such property to belong to the person
 8 so named and another or others, as the case may be, e. g.: "the property of
 9 John Smith and another;" and whenever in any indictment, information or
 10 complaint it shall be necessary to mention for any purpose whatsoever any
 11 partners, joint tenants, trustees, parceners, tenants in common, or members
 12 of associations, joint stock companies, joint stock associations, societies, clubs
 13 or organizations, it shall be sufficient to describe them in the manner aforesaid.

Sec. 4. If the name of any accused person is unknown to the grand jury,
 2 informer or complainant, he may be described by a fictitious name or by any
 3 other particular description with an allegation or statement that his real name
 4 is unknown. A proceeding upon an indictment, information or complaint
 5 against a defendant by a fictitious or erroneous name shall not be grounds for
 6 abatement; but if at any subsequent stage of the proceeding his true name is
 7 discovered it may be entered on the record and used in the subsequent proceed-
 8 ings, with a reference to the fact that he was indicted by the name mentioned
 9 in the indictment.

Sec. 5. In all indictments, informations and complaints the place of the
 2 commission of the crime need not be alleged unless it is an essential element
 3 of the crime. The name of the city and court, or county and court, in any infor-

4 mation or complaint, or in the caption to any indictment, shall, unless other-
 5 wise stated, be considered as an allegation or statement in each count that the
 6 Act was committed within the territorial jurisdiction of the court. All alle-
 7 gations of the indictment and statements contained in the information or com-
 8 plaint shall, unless otherwise stated, be considered to refer to the same time
 9 and place, and the words, "then and there," need not be used, but the use of
 10 the words, "then and there," shall not vitiate the indictment, information or
 11 complaint.

Sec. 6. The means by which a crime is committed need not be alleged in
 2 in the indictment or stated in the information or complaint, and whenever un-
 3 lawful means are an essential element of any crime it shall be sufficient to
 4 aver generally that the means were unlawful.

Sec. 7. If an allegation or statement is necessary relative to an instru-
 2 ment, such instrument may be described by any name or designation by which
 3 it is usually known or by the purport thereof without setting out the full copy
 4 of fac-simile of the whole thereof, and the same may be pleaded by use of the
 5 introductory words: "In substance as follows," or other words equivalent
 6 thereto, and in *haec verba* pleading shall not be required in any case; and no
 7 variance between such recital, substance or description and the instrument pro-
 8 duced at the trial shall be material, if the identity of the instrument is evident
 9 and the purport thereof is sufficiently described to prevent prejudice to the
 10 defendant. Instruments in a foreign language need not be set forth in the
 11 language in which they are written, and it shall be sufficient if the substance
 12 or a fair translation thereof be set forth, or so much thereof as may be neces-
 13 sary to show that a crime has been committed.

Sec. 8. If any allegation or statement relative to any bullion, coin, money,
 2 notes, bank notes, checks, drafts, bills of exchange, obligations or other securi-
 3 ties for money of any country, state, county, city, town, bank, corporation,

4 partnership or person is necessary, it may be described as dollars or money
 5 without specifying any particulars thereof, and such descriptive allegation or
 6 statement shall be sustained by proof of any amount of money, whether it be
 7 bullion, money, coin, notes, bank notes, or checks, drafts, bills of exchange,
 8 obligations, or other securities for money as aforesaid, although the particular
 9 nature thereof shall not be proved, and proof of receipt or giving of checks,
 10 drafts, bills of exchange, obligations or other securities shall sustain an aver-
 11 ment of money.

Sec. 9. The value or price of the property need not be stated unless it is
 2 an essential element of the crime. If the punishment of a crime depends upon
 3 the fact that it exceeds or does not exceed a certain value, it may be described,
 4 as the case may be, of more than that value of or less than that value. The
 5 value of money need not be set forth in any case, but money shall be consid-
 6 ered to have the value of the amount of money stated, and the denominations
 7 of money need not be stated in any case, and it shall not be necessary to de-
 8 scribe money. All allegations relating to money unless otherwise stated shall
 9 be deemed to relate to lawful money of the United States of America, and the
 10 word, "money," shall include coin, United States treasury notes, bank notes,
 11 and all legal tender and current coin and paper money current in the United
 12 States of America, unless particularly described as the money of a foreign
 13 country, in which case it shall be sufficient to aver the amount of money of the
 14 country where it is current of the value of a certain amount, without further
 15 particularization.

Sec. 10. If an indictment, information or complaint for a crime which in-
 2 volves the commission or attempted commission of an injury to property,
 3 describes the property with sufficient certainty in other respects to identify
 4 the act, it need not allege the name of the owner.

Sec. 11. If one element of the criminality of an act is its commission in a
 2 public place, and if such place is not more particularly described in the statute,
 3 the act may be alleged generally to have been committed in "a public place."

Sec. 12. In an indictment, information or complaint for the larceny of any
 2 animal or bird, or for any other crime in respect thereof, it may be described
 3 by the name of the species by which it is commonly known, without stating its
 4 age or sex, or whether it is alive or dead, or whether it is dressed for food.

Sec. 13. If it is necessary to refer in any indictment, information or com-
 2 plaint to the judicial proceedings in any case then or formerly pending in any
 3 court, criminal, civil or military, or any proceedings before a Justice of the
 4 Peace, Master in Chancery, or any other magistrate, an averment generally
 5 that such proceedings were had, and that the court or magistrate had juris-
 6 diction shall be sufficient without setting out matter to show jurisdiction in the
 7 court, officer or magistrate; and in any count reciting the former conviction of
 8 the defendant for the crime of burglary, grand larceny, horse stealing, rob-
 9 bery, forgery, or counterfeiting, it shall be sufficient to aver generally that the
 10 defendant pleaded guilty or was found guilty of any of said crimes and was
 11 sentenced therefor at a certain term of court, and it shall not be necessary to
 12 set forth therein the former indictment and proceeding had pursuant thereto.
 13 and a certified copy of the order of sentence of the court upon such previous
 14 conviction and proof of the identity of the person accused shall sustain such
 15 averment of former conviction for said offenses.

Sec. 14. If it is necessary to name any public office, or to describe or set
 2 forth the name of any public body, board or official position of any kind or
 3 character, or to refer to any officer holding such office, it shall be sufficient to
 4 allege or state the name of the office by the name by which the public body,
 5 board, office or position or officer thereof, is commonly known. It shall not be
 6 necessary to aver or set out the ordinance, by-laws or resolutions of any city,

7 village, sanitary district, school board or other public body, or division of gov-
 8 ernment creating such public body, board, office or position; and the courts of
 9 record shall take judicial notice of all ordinances of such municipalities, and
 10 it shall not be necessary to aver the ordinances prescribing the powers or
 11 duties of such bodies or persons holding office thereunder, but the allegation
 12 or statement generally that the defendant was acting in an official position
 13 named shall be sufficient, and such an allegation or statement shall be consid-
 14 ered as an allegation or statement that the defendant acting in the official po-
 15 sition named was charged with the duty of enforcement of all the laws, by-laws,
 16 resolutions and ordinances within the purview of the office or position named
 17 impartially and without favor in the manner required by law, and that such
 18 defendant knew his duty, and that such officer had the powers and authority to
 19 perform the duties of the office named at the time or times laid. A *de facto*
 20 occupant of a *de facto* office shall be deemed to be an officer, as well as *de facto*
 21 and *de jure* occupants of *de jure* offices.

22 Proof that the defendant acted as an officer in the office named shall be
 23 competent and sufficient in the first instance to sustain such an allegation or
 24 statement thereof, and shall be *prima facie* evidence of the existence of the
 25 office and the occupancy, and it shall not in any case be necessary to make
 26 formal record proof of appointment and qualification as such officer, whether
 27 the word "acting" be used or not, and the legality of the office or the existence
 28 thereof shall not be questioned in a criminal case if the accused has held him-
 29 self out as such an officer.

Sec. 15. An allegation that the defendant committed the act charged shall
 2 be sufficient allegation that he was criminally responsible therefor.

Sec. 16. If an intent to injure or defraud is an essential element of a
 2 crime, an intent to injure or defraud may be alleged or stated generally with-
 3 out naming the person, corporation or government intended to be injured or

4 defrauded. Proof of any intent to injure or defraud any person or body cor-
 5 porate shall be competent to support the allegation or statement.

Sec. 17. Different means or different intents by or with which a crime may
 2 be committed may be alleged or stated in the same count in the alternative, and
 3 proof of any one of such means or intents so alleged shall sustain such allega-
 4 tion.

Sec. 18. All allegations or statements that the crime was committed, or
 2 that definite acts were done during a certain period of time next before the
 3 finding of the indictment, or the filing of the information or complaint, shall
 4 be sufficient allegation or statement that the crime alleged was committed, or
 5 that the acts alleged were done on divers days and times within that period.

Sec. 19. The word "company," used as a part of a firm or business name,
 2 unless otherwise stated, shall be deemed to import a corporate existence, and
 2 it shall not be necessary to describe the same as a corporation.

Sec. 20. Presumptions and conclusions of all matters of which judicial
 2 notice is taken, allegations which are not required to be proven, and ordi-
 3 nances, by-laws and resolutions of cities, villages, boards, sanitary districts and
 4 other public bodies and boards that are printed in book or pamphlet form
 5 and purport to be published by authority of the board of trustees or city coun-
 6 cil or other governing board or body need not be alleged; and all courts and
 7 magistrates in the trial or hearing of criminal cases, whether upon preliminary
 8 hearing, upon complaint or upon trial, upon information or indictment, shall
 9 take judicial notice of all matters of which courts of general jurisdiction of
 10 this state are required to take judicial notice by law, and all the following:

11 (1) All general ordinances of all cities in the state of Illinois, and all gen-
 12 eral ordinances of every public or municipal corporation situated in the state
 13 of Illinois, and all ordinances of any municipal corporation remaining in force

14 after the annexation of any territory of such municipal corporation, in whole
15 or in part, to any city in the state of Illinois.

16 (2). All laws of a public nature enacted by any state or territory of the
17 United States.

18 (3) The existence of all public offices or positions in the public service,
19 whether of a city, village or other body; an indictment, information or com-
20 plaint, shall not be considered defective or insufficient by reason of its failure
21 to allege or recite a special statute, or a by-law or ordinance of a city village,
22 public board or body or ruler or regulations of any public board of officers.

Sec. 21. An indictment, information or complaint shall not be considered
2 defective or insufficient because it omits to allege or state that the crime was
3 committed or the act was done "tratoriously," "feloniously," "burglariously,"
4 "wilfully," "maliciously," "negligently," "corruptly," "unlawfully," or
5 otherwise similarly to describe the crime, unless such description is a statutory
6 element of the crime charged, or because it omits to allege or state that the
7 crime was committed and done "with force and arms," or against a by-law,
8 ordinance, order, rule or regulation of any public authority or body; and all ex-
9 ceptions which go merely to the form of an indictment shall be made before
10 trial, and no motion in arrest of judgment or writ of error shall be sustained for
11 any matter not affecting the real merits of the offense charged in the indict-
12 ment. No indictment shall be quashed for failure to allege the occupation or
13 place of residence of the accused, or by the reason of any disqualification of
14 any grand juror. The conclusion, "Contrary to the statute," in any count of
15 any information, complaint or indictment, shall, unless otherwise stated, be con-
16 sidered as an allegation or statement that the act charged in the count was done
17 "feloniously," if the offense charged be a felony, or was done "unlawfully," if a
18 misdemeanor.

Sec. 22. An indictment, information or complaint shall not be quashed or be
2 considered defective or insufficient if it is sufficient to enable the defendant to

3 understand the charge and to prepare his defense, nor shall it be considered de-
 4 fective or insufficient for lack of any description or information which might be
 5 obtained by requiring a bill of particulars as provided in Section 29, and it
 6 shall not be deemed defective or insufficient because it omits to charge or state
 7 that the crime was committed knowingly, and the general allegation or state-
 8 ment that the crime has been committed shall be deemed to be an allegation or
 9 statement that the defendant committed the same knowingly. Duplicity in an
 10 indictment, information or complaint shall not be ground for quashing.

Sec. 23. A defendant shall not be acquitted on the ground of variance be-
 2 tween the allegations and the proof, if the essential elements of the crime are
 3 correctly stated, unless he is thereby materially prejudiced in his defense; and
 4 he shall not be acquitted by reason of any immaterial misnomer of a third
 5 party, or by reason of an immaterial mistake in the description of property or
 6 the ownership thereof; by reason of failure to prove unnecessary allegations
 7 or statements in the description of the crime, or by reason of any other imma-
 8 terial mistake in the indictment, information or complaint.

Sec. 24. The word "oath," when used in an indictment, information or
 2 complaint, shall include an "affirmation."

Sec. 25. An exception or proviso which is not stated in the enacting clause
 2 of a statute creating a crime, which is stated only by reference to other provis-
 3 ions of the statute, need not be negatived in the indictment, information or com-
 4 plaint, unless it is necessary for a complete definition of the crime. If any
 5 statute shall prescribe a form of indictment in which an exception or proviso is
 6 not negatived it shall be taken that it is not necessary for a complete definition
 7 of a crime that they should be negatived. If a statute which creates a crime
 8 permits an act which is therein declared to be criminal to be performed without
 9 criminality under stated conditions, such conditions need not be negatived. The
 10 forms set out in the schedule as a part of this Act are included within the mean-
 11 ing of this section.

Sec. 26. The words used in an indictment, information or complaint may be
 2 construed according to their usual acceptation in common language, but if cer-
 3 tain words and phrases are defined by law they shall be used according to their
 4 legal meaning.

Sec. 27. The grand jury may return counts for conspiracy, for a consum-
 2 mated felony, and for an attempt to commit a felony, growing out of the same
 3 acts, in the same indictment, or separate indictments may be returned for such
 4 conspiracy, felony, or attempt, and the conspiracy or attempt shall not be
 5 deemed to be merged in the consummated felony if the prosecution elects to
 6 proceed to trial upon counts in an indictment, or upon a separate indictment,
 7 for conspiracy or attempt, and if the prosecution elects as aforesaid the ver-
 8 dict or finding therein shall be sufficient defense upon a plea of *autrefois ac-*
 9 *quit* or *autrefois convict* upon an indictment for the consummated felony. Mis-
 10 demeanors and felonies may be joined in the same indictment as heretofore.

Sec. 28. If any corporation shall be made defendant in any complaint, in-
 2 formation or indictment it may be served by summons in the same manner that
 3 summons is served upon corporations in suits at law, and such corporation shall
 4 within ten days after service of summons give a bond in such proceeding to the
 5 People of the State of Illinois conditioned to respond to any judgment rendered
 6 against it, and failure to give such bond shall *ipso facto* render the corporate
 7 charter forfeited.

Sec. 29. The court may, in its discretion upon the arraignment of the de-
 2 fendant, or at any later stage of the proceedings, order the prosecution to file a
 3 statement of such particulars as may be necessary to give the defendant and the
 4 court reasonable knowledge of the nature and cause of the accusation.

5 If there is a material variance between the evidence and the bill of particu-
 6 lars the court may order the bill of particulars to be amended, and may post-
 7 pone the trial, which may be before the same or another jury as the court may
 8 order.

Sec. 30. In a plea of *autrefois* acquit or *autrefois* convict an allegation that
 2 at a certain term of a certain court, which shall be set forth, the defendant was
 3 lawfully acquitted or convicted, as the case may be, of the same crime with
 4 which he is again charged, verified upon oath, shall be sufficient as a plea, and the
 5 prosecution may take issue therewith: *Provided, however,* that it shall not be
 6 necessary to plead *autrefois* acquit or *autrefois* convict, and the facts in that
 7 regard may be proven by the defendant under his plea of not guilty upon notice
 8 to the State's attorney that his plea of not guilty includes that defense.

Sec. 31. All questions relating to the validity of statutes, the form and suf-
 2 ficiency of indictments, informations or complaints, and all questions heretofore
 3 raised upon demurrer or special demurrer shall be presented by a motion to
 4 quash in writing reciting therein the specific grounds upon which defendant re-
 5 lies.

Sec. 32. No judge shall have or possess the power of reprieving any person
 2 convicted and sentenced to be executed, and the only person who can exercise
 3 such power is the Governor or acting Governor.

Sec. 33. In all prosecutions for bigamy, abandonment of wife or children,
 2 adultery, fornication, or adultery and fornication, or when the wife or hus-
 3 band prosecuting is an injured party, the lawful wife or husband of the de-
 4 fendant and all persons having knowledge of the facts in the case, shall be
 5 competent witnesses.

Sec. 34. The conclusion to any complaint, information or indictment,
 2 "contrary to the statute," shall include the common-law offense of one exists
 3 as described therein, without a separate conclusion, "contrary to law," or
 4 additional counts; but the prosecution upon such complaint, information or
 5 indictment shall be upon the statute unless the state's attorney shall, before a
 6 jury is sworn, elect to proceed under the common law. Conviction or acquittal
 7 upon prosecution under the common law shall be a bar to subsequent prose-
 8 cution under the statute for the same offense.

Sec. 35. An accessory before the fact shall be charged as principal.

2 An accessory before the fact who is incapable of personally committing
3 the offense charged, whether from physical incapacity or lack of official status
4 or otherwise, may be joined with the principal, and whether so joined or not,
5 he shall be charged as a principal.

Sec. 36. The signature of the state's attorney shall not be necessary upon
2 any complaint or indictment.

Sec. 37. It shall not be necessary in any case to return an indictment into
2 open court, but it shall be sufficient if the same be filed by the foreman of the
3 grand jury with the clerk of the court, and if so filed *capias* shall issue from
4 the office of the clerk thereon for the arrest and detention of the person charged
5 and the indictment shall be docketed and prosecuted as if returned into open
6 court. The foreman of the grand jury may certify in any case to the clerk
7 that the administration of justice requires any indictment to be kept secret
8 until the person charged has been apprehended, in which case the clerk shall
9 issue *capias* without noting the cause on the docket and shall deliver the *capias*
10 to the sheriff, and all persons shall operate secretly until the person charged
11 be apprehended, and thereafter the cause shall proceed as in other cases.

Sec. 38. All orders sustaining motions to quash indictments when all the
2 counts thereof are quashed, and all orders directing verdicts of not guilty, or
3 granting new trials, or arresting judgment, shall be reviewable upon writ of
4 *certiorari* by the supreme court. Such writ in such cases shall be a writ of right
5 to the State and shall be sued by the State's attorney during the ninety days
6 next after the last day of the term at which such order was entered; and if the
7 order be reversed by the supreme court the cause shall proceed to trial or judg-
8 ment below, as the case may be, within three months thereafter: *Provided,*
9 *however,* that the defendant shall not be put to trial upon the same or any other
10 indictment arising from the same act while the matter is pending in the su-
11 preme court.

12 The State shall save all questions relating to the sufficiency of the evidence,
13 instructions, remarks of counsel, or otherwise involving facts, by a certificate of
14 evidence to be signed by the judge as bills of exceptions are signed, which shall
15 become a part of the record; but it shall not be necessary for the State to object
16 and except to the ruling of the court at any time. The trial court shall in the
17 order quashing the indictment, granting new trial, arresting judgment or direct-
18 ing a verdict of not guilty, state the grounds for the order.

Sec. 39. In all cases where the punishment is by fine or imprisonment in the
2 penitentiary, or both, the defendant may, with the consent of the State's attorney,
3 have the right to waive in writing a trial by jury, and in case of such waiver the
4 cause may be submitted to the court as in other misdemeanors, and no peniten-
5 tiary punishment shall be imposed.

Sec. 40. New trials shall not be granted and judgments shall not be reversed
2 for any defect in the form of verdict of guilty or for lack of any of the elements
3 of the offense in the verdict, if the intent of the jury is clear that a certain of-
4 fense charged in the indictment is intended and a name by which the offense is
5 commonly known is used in the verdict.

6 A general verdict of guilty shall be sufficient without particularizing the
7 offense and judgment shall be entered thereon as heretofore.

Sec. 41. The provisions of this Act, and the forms hereto annexed, shall
2 apply as well to complaints and informations as to indictments, and such forms
3 shall be sufficient in cases to which they are applicable and shall be deemed to
4 be a sufficient description of the offenses set forth. In other cases, forms as
5 nearly like the forms hereto annexed as the nature of the cases and the provis-
6 ions of the law will allow may be used; but any other form of indictment, in-
7 formation or complaint which is authorized by law may be used.

SCHEDULE OF FORMS OF PLEADING.

8 (1) CAPTION AND COMMENCEMENT OF INDICTMENT.

9 State of Illinois,)
 10 County.) ss.

11 Of the term of the court, in the year of our
 12 Lord 19....

13 The grand jurors chosen, selected and sworn, in and for the County of
 14, in the name and by the authority of the People of the State of
 15 Illinois, upon their oaths, present, etc.

16 (Here insert the offense.)

17 (2) Second and subsequent counts.

18 The grand jurors aforesaid, in the name and by the authority of the People
 19 of the State of Illinois, upon their oaths aforesaid, do further present (here in-
 20 sert offense).

21 (3) CAPTION AND COMMENCEMENT OF INFORMATION.

22 State of Illinois.

23 County of)
 24 City of) ss.

25 In the Court of

26 A. B. comes now here into court, and, in the name and by the authority of
 27 the People of the State of Illinois, gives the court to be informed and understand
 28 that (here insert offense).

29 (4) CAPTION AND COMMENCEMENT OF COMPLAINT.

30 State of Illinois, {
 31 County. { ss.

32 Before Honorable (here name the judge or justice of the peace and recite the
 33 office).

34 A. B., who prosecutes in this behalf in the name and by the authority of the
 35 People of the State of Illinois, being duly sworn and examined on his oath,
 36 states that (here insert offense).

37 (5) ABDUCTION—Of Female.

38 That A. B. on the day of, 19..., did entice and take
 39 away one C. D., an unmarried female of a chaste life and conversation, from her
 40 parent's house (or if she was found elsewhere, state it, as the case may be) for
 41 the purpose of prostitution (or, for the purpose of concubinage).

42 (6) ABDUCTION—Of Child.

43 That one A. B. on the day of, 19..., did take and
 44 decoy one C. D., a child under the age of twelve years, with intent to detain and
 45 conceal such child from its parents (guardian, or other person having the law-
 46 ful charge of such child, as the case may be).

47 (7) ABORTION.

48 That one A. B., on the day of, 19..., did cause one
 49 C. D., a woman pregnant with child, to abort and miscarry by means of an in-
 50 strument (medicine, drug, or other means).

51 If the woman dies, insert after the word "did," the words "of his malice
 52 aforethought," and add, "and in consequence thereof the said C. D. died,
 53 wherefore the jurors say that said A. B. is deemed to be guilty of murder."

54 (8) ACCESSORY BEFORE.

55 Any accessory before the fact shall be charged as principal.

56 (9) ACCESSORY AFTER THE FACT.

57 Charge the principal crime and proceed as follows: That A. B., after-
 58 wards well knowing said crime had been committed by said (principal) and not
 59 standing in the relation of husband, wife, parent, child, brother or sister to said
 60 (principal) did harbor, conceal, maintain and assist said (principal).

61 (10) ADULTERY.

62 That A. B. and C. D., on the day of, 19..., did live to-
 63 gether in an open state of adultery (or fornication, or fornication and adultery,
 64 as the case may be).

65 (11) AFFRAY.

66 That A. B. and C. D., on the day of, 19..., by agree-
 67 ment did fight in a public place.

68 (12) ARSON.

69 That A. B., on the day of, 19..., wilfully and ma-
70 liciously did burn the dwelling house (kitchen, etc.; if personal property, name
71 it, or a part of it) of C. D. there situate.

72 (13) ARSON—To defraud insurer.

73 That A. B., on the day of, 19..., wilfully and ma-
74 liciously did burn and set fire to a building (or goods, wares and merchandise,
75 or other chattels, naming them, or a part of them) of C. D. there situate, which
76 was (or were) at the time of such burning insured against loss by fire, with in-
77 tent to defraud.

78 (14) ASSAULT AND BATTERY.

79 That A. B. on the day of, 19..., did assault and beat
80 C. D.

81 (15) ASSAULT—With Deadly Weapon.

82 That A. B., on the day of, 19..., being armed with a
83 dangerous and deadly weapon, without any considerable provocation and under
84 circumstances showing an abandoned and malignant heart, did make an assault
85 upon one C. D. with intent to inflict upon his (or her) person a bodily injury.

86 (16) ASSAULT—With Intent to Commit a Felony.

87 That A. B., on the day of, 19..., did assault one C. D.
88 with intent to murder him (or, with intent to commit rape upon her; with intent
89 to rob him; with intent to maim him; with intent to commit larceny; or with
90 intent to commit any other felony, as the case may be).

91 (17) ATTEMPT—Burglary.

92 That A. B., on the day of, 19..., did attempt to break
93 and enter (in the night time) a building (ship or vessel) of C. D. there situate,
94 therein to commit the crime of larceny (murder, rape, robbery, or other fel-
95 ony).

96 (18) ATTEMPT—Any Crime.

97 That A. B., on the day of, 19..., did attempt to com-
 98 mit larceny of the property of C. D. (or such other crime as may be intended to
 99 be charged).

100 (19) BANKER RECEIVING DEPOSIT AFTER INSOLVENCY.

101 (1) That A. B., on the day of, 19..., being engaged
 102 in and doing a banking business, did receive from one C. D. one hundred dollars
 103 (or whatever sum was received), said C. D. not being indebted to said A. B.,
 104 and that at the time said A. B. so received said money and deposit said A. B.
 105 was insolvent, whereby said money deposit was lost to said C. D., wherefore said
 106 A. B. is deemed to be guilty of embezzlement.

107 (2) That A. B., on the day of, 19..., being engaged in
 108 and doing a banking business, did fraudulently convert to his own private use
 109 one hundred dollars (or whatever sum of money was converted) of the money
 110 deposited with him as banker.

111 (20) BARRATRY AND MAINTENANCE.

112 (1) That A. B., on the day of, 19..., did excite and
 113 stir up C. D. and E. F., people of said State, with a view to promote strife and
 114 contention.

115 (2) That A. B., on the day of, 19..., did officiously in-
 116 termeddle in a suit pending between C. D. and E. F., said suit nowise concerning
 117 said A. B., and did maintain and assist said C. D. with money to prosecute said
 118 suit with a view to promote litigation.

119 (21) BIGAMY.

120 (1) That A. B., on the-day of, 19..., unlawfully mar-
 121 ried C. D., the said A. B. having at the time he so unlawfully married, a lawful
 122 wife living.

123 (2) That A. B., having a lawful wife living, to-wit: H. B. did at (state
 124 place) on the day of, 19..., unlawfully marry and have for
 125 his wife one C. D., after which the said A. B., to-wit: on, etc., at, etc., unlawfully
 126 did cohabit and continue to cohabit with the said C. D.

127 (22) BRIBERY—Offer to Give.

128 That A. B., on the day of, 19.., did offer to give to
129 C. D. (add, as per any of the following forms, as the case may be).

130 (23) BRIBERY.

131 (1) That A. B., on the day of, 19..., did corruptly
132 give to C. D., a police officer of the City of, duly appointed and
133 acting in said office, one hundred dollars as a bribe to cause said C. D. to per-
134 form a duty of him required with partiality and favor to A. B. (or to E. F. and
135 G. H., as the case may be).

136 (2) That A. B., a police officer of the City of, duly appointed
137 and acting in that office, on the day of, 19..., did corruptly
138 receive of and from C. D. one hundred dollars as a bribe to cause him, said
139 A. B., to perform a duty of him required with partiality and favor to said C.
140 D. (or to E. F. and G. H., as the case may be).

141 (3) That A. B., on the day of, 19..., did corruptly
142 give to C. D., a constable in and for County, duly elected and act-
143 ing in that office, one hundred dollars as a bribe to cause said C. D. to execute
144 powers in him vested otherwise than is required by law.

145 (4) That A. B., a constable in and for County, duly elected
146 and acting in that office, on the day of, 19..., did corruptly
147 receive of and from C. D. one hundred dollars as a bribe to cause him, said
148 A. B., to execute powers in him vested otherwise than is required by law.

149 (5) That A. B., on the day of, 19..., did corruptly
150 give to C. D., a justice of the peace in and for County, duly elected
151 and acting in that office, one hundred dollars as a bribe, with intent to influence
152 his opinion, decision and judgment on and in a cause and proceeding then pend-
153 ing before him in his official capacity as justice of the peace, to-wit: a pro-
154 ceeding entitled (give title of cause).

155 (6) That A. B., a justice of the peace in and for County,
156 duly elected and acting in that office, on the day of, 19...,

157 did corruptly receive of and from C. D. one hundred dollars as a bribe given by
 158 said C. D. with intent to influence the opinion, decision and judgment of said
 159 A. B. on and in a cause and proceeding then pending before said A. B. in his
 160 official capacity as justice of the peace, to-wit: a proceeding entitled (give title
 161 of cause).

162 (7) That A. B., on the day of, 19..., did corruptly
 163 give to C. D., an alderman and member of the city council of the city of.....
 164, duly elected and acting in that office, one hundred dollars as a
 165 bribe, with intent to influence his vote as a member of said city council upon a
 166 proposed ordinance then pending before said city council, to-wit: (give title of
 167 ordinance, or state the subject in a general way).

168 (8) That A. B., an alderman and member of the city council of the City of
 169, duly elected and acting in that office, on the day of
 170, 19..., did corruptly receive of and from C. D. one hundred dollars
 171 as a bribe given by said C. D., with intent to influence the vote of said A. B. as
 172 a member of said city council upon a proposed ordinance then pending before
 173 said city council, to-wit: (give title of ordinance, or state the subject in a gen-
 174 eral way).

175 (24) CORRUPTING JUROR.

176 That A. B., on the day of, 19..., did corrupt (or at-
 177 tempt to corrupt) one C. D., a juror in a cause then being tried in the
 178 court of County, known as the People versus Smith.

179 (25) BURGLARY.

180 *With Force.*

181 That A. B., on the day of, 19..., did break and enter
 182 (in the night time) the dwelling house (kitchen, office, etc.) of one C. D. there
 183 situate, with intent therein to commit murder (robbery, rape, mayhem, or other
 184 felony, or larceny).

185 (If desired, add actual larceny.)

186 *Without Force.*

187 That A. B., on the day of, 19... (in the night time),
 188 without force, the doors and windows being open, did enter the dwelling house
 189 (kitchen, office, etc.) of one C. D. there situate, with intent therein to commit
 190 murder (robbery, rape, mayhem, or other felony, or larceny).

191 (If desired, add actual larceny).

192 (26) CIVIL RIGHTS.

193 That A. B., on the day of, 19..., did deny to C. D., a
 194 citizen, the full enjoyment of accommodations of a restaurant (an inn, hotel,
 195 etc.).

196 (27) COMPOUNDING A CRIME.

197 That A. B., on the day of, 19..., did take one hundred
 198 dollars of and from C. D. to compound and did therefor compound a criminal
 199 offense.

200 (28) CONCEALING DEATH OF BASTARD.

201 That A. B., a woman, on the day of, 19..., did en-
 202 deavor, privately, to conceal the death of a bastard child, the issue of her body.

203 (29) ABANDONMENT OF CHILD.

204 *Under One Year.*

205 That A. B., father of C. B., an infant child under the age of one year, on
 206 the day of, 19..., did abandon said child.

207 *Under twelve years.*

208 That A. B., father of C. B., a minor child under the age of twelve years, on
 209 the day of, 19..., did abandon said child, and wilfully did
 210 neglect and refuse to maintain any provide for said child, said child being in
 211 destitute and necessitous circumstances.

212 (30) ABANDONMENT OF WIFE.

213 That A. B., husband of C. B., on the day of, 19...,
 214 did, without good cause, abandon said C. B., his wife, in destitute and necessit-
 215 ous circumstances, and did neglect and refuse to maintain and provide for his
 216 said wife.

217 (30½) CONSPIRACY.

218 That A. B. and C. D., on the day of 19..., conspired together:

219 (1) To murder one E. F.

220 (2) To commit rape upon E. F.

221 (3) To steal the property and money of E. F. (or to commit any felony).

222 (4) To falsely and maliciously charge one E. F. with a criminal offense.

223 (5) To falsely and maliciously cause one E. F. to be indicted for a crim-
224 inal offense.

225 (6) With the fraudulent and malicious intent wrongfully and wickedly to

226 (a) Injure the person (character, business, employment, or property, as
227 the case may be) of one E. F.

228 (b) Obtain money (or property, naming it) of one E. F. by false pre-
229 tenses.

230 (c) Do an illegal act injurious to the public trade (or public health,
231 morals, police, or administration of public justice, as the case may be).

232 (d) Prevent competition in the letting of a contract by the State of Illi-
233 nois (of the County of, or the City of, as the case
234 may be).

235 (e) Induce one E. F. not to enter into competition upon the letting of a
236 contract by the State of Illinois (or county of, or City of,
237 as the case may be).

238 (31) CONSPIRACY—At Common Law.

239 (1) That A. B. and C. D., on the day of, 19..., con-
240 spired together to cheat and defraud the public.

241 (2) That A. B. and C. D., on the day of, 19..., con-
242 spired together to cheat and defraud E. F. (or E. F. and G. H.)

243 (3) That A. B. and C. D., on the day of, 19..., con-
244 spired together to do a legal act by unlawful means, to-wit: to
245by unlawful means.

246 (32) CORPORATE NAME—Not Incorporated.

247 That A. B., on the day of, 19..., put forth an adver-
 248 tisement for the purpose of soliciting business, and therein assumed a corpor-
 249 ate name, not being incorporated.

250 (33) CRUELTY TO ANIMALS.

251 (1) That A. B., on the day of, 19..., did overload
 252 (overwork, etc.) a horse.

253 (2) That A. B., on the day of, 19..., did knowingly
 254 allow a horse to be overloaded (overworked, etc.)

255 (3) That A. B., on the day of, 19..., unnecessarily did
 256 fail to provide a (horse) in his charge (custody) with proper food, drink and
 257 shelter.

258 (34) DISORDERLY HOUSE.

259 (1) That A. B., during the (three months)next before the return of this
 260 indictment at said County, did keep and maintain a common, ili-
 261 governed and disorderly house to the encouragement of idleness, gaming, drink-
 262 ing, fornication and other misbehavior, to the common nuisance of all the peo-
 263 ple.

264 (2) That A. B., during the (three months) next before the return of this
 265 indictment at said County, did keep and maintain (patronize, or
 266 let) a house of ill-fame and place for the practice of prostitution and lewdness.

267 (35) CRUELTY—To Child.

268 (1) That A. B., father of C. D., a child under his legal control, on the
 269 day of, 19..., did wilfully and unnecessarily expose said
 270 child to the inclemency of the weather.

271 (2) That A. B., father of C. D., a child under his legal control, on the
 272 day of, 19..., did wilfully injure in health said child.

273 (36) CHILD—Indecent Liberties. (Ch. 38, Sec. 42 ha.)

274 That A. B., on the day of, 19...; being a male person
 275 of the age of seventeen years and upwards, did take immoral, improper and in-

276 decent liberties with C. D., a child under the age of fifteen years, with the in-
 277 tent of arousing, appealing to and gratifying the lust, passions and sexual de-
 278 sires of the said A. B. (or C. D., as the case may be).

279 (37) CHILD—Contributing to Delinquency.

280 That A. B., on the day of, 19..., did take immoral, im-
 281 proper and indecent liberties with C. D., a delinquent child under the age of
 282 (if male, seventeen; if female, eighteen), that directly produced, promoted and
 283 contributed to the conditions which rendered said child delinquent.

284 (38) CONFIDENCE GAME.

285 That A. B., on the day of, 19..., did obtain (or at-
 286 tempt to obtain) from C. D. (here insert name of person defrauded or at-
 287 tempted to be defrauded) his money (or property, in case it be not money) by
 288 means and by use of the confidence game.

289 (39) CRIMINAL CARELESSNESS.

290 That A. B., on the day of, 19..., having personal
 291 management (or control) of and over a steamboat called Sarah Lee (or rail-
 292 road passenger train, or street car), did conduct, manage and control said
 293 steamboat with gross carelessness, whereby the safety of C. D. was endangered.

294 (40) CRIME AGAINST NATURE.

295 That A. B., on the day of, 19..., did commit the crime
 296 against nature with (state name of person or species of beast).

297 (41) DISORDERLY CONDUCT.

298 That A. B., on the day of, 19..., did (state what) and
 299 is deemed guilty of open lewdness (disorderly conduct, etc.) tending to de-
 300 bauch the public morals.

301 (42) DRUNKENNESS.

302 That A. B., on the day of, 19..., was found drunk in
 303 a public place.

304 (43) DUELING.

305 (1) That A. B. and C. D., on the day of, 19..., did
 306 fight a duel with deadly weapons.

307 (2) That A. B., on the day of, 19..., did challenge
308 C. D. to fight a duel with deadly weapons.

309 (3) That A. B., on the day of, 19..., did publish (or
310 proclaim) C. D. as a coward for not accepting a challenge to fight a duel (or
311 for not fighting a duel).

312 (44) ENTICING FEMALE TO ENTER HOUSE OF PROSTITUTION.

313 That A. B., on the day of, 19..., did entice, induce and
314 procure, by false pretenses, one C. D., an unmarried female of a chaste life
315 and conversation being (or residing) in the State of Illinois, to enter a house
316 of prostitution (or dance hall, garden or premises) there situate, where pros-
317 titution was practiced.

318 (45) UNLAWFULLY DETAINING FEMALE IN HOUSE OF PROSTITUTION.

319 (1) That A. B., on the day of, 19..., did unlawfully
320 detain (or confine) one C. D. by force (or false pretenses or intimidation) in a
321 house there situate (or room or building) against her will, for the purpose of
322 prostitution (or with intent that she become a prostitute).

323 (2) That A. B., on the day of, 19..., did attempt to
324 prevent one C. D., detained in a house of prostitution, from leaving said house.

325 (46) ALLOWING FEMALE UNDER EIGHTEEN TO LIVE IN HOUSE OF PROSTITUTION.

326 That A. B., on the day of, 19..., being the keeper of a
327 house of prostitution, there situate, did suffer and permit C. D., an unmarried
328 female under the age of eighteen years, to live (stop or room) in said house.

329 (47) ENTICING INTO STATE.

330 That A. B., on the day of, 19..., did entice, induce and
331 procure one C. D., an unmarried female under the age of eighteen years, to come
332 into the State of Illinois for the purpose of prostitution.

333 (48) PANDERING.

334 (1) That A. B., on the day of, 19..., did procure C.
335 D., a female, to be and become an inmate of a house of prostitution there sit-
336 uate.

337 (2) That A. B., on the day of, 19..., by promises (or
 338 threats, violence or by device and scheme) did cause and induce (or persuade
 339 or encourage) one C. D., a female, to become an inmate in a house of prosti-
 340 tution there situate.

341 (49) ESCAPE.

342 That A. B., on the day of, 19..., being lawfully im-
 343 prisoned in the (House of Correction of the City of Chicago) in said county,
 344 did break therefrom and escape.

345 (50) ESCAPE—From State Prison.

346 That A. B., on the day of, 19..., was a convict in the
 347 penitentiary of the State of Illinois at, in said county, and then and
 348 there while a convict as aforesaid, did escape from said penitentiary.

349 (51) EXTORTION BY THREATS.

350 (1) That A. B., on the day of, 19..., did verbally (or
 351 by written or printed communication) maliciously threaten one C. D. to accuse
 352 him of a crime, to-wit: (naming it), with intent thereby to extort money from
 353 said C. D.

354 (2) That A. B., on the day of, 19..., did verbally (or
 355 by written or printed communication) maliciously and wilfully threaten to kid-
 356 nap (wound, maim, etc.) one C. D., son of E. F., with intent thereby to extort
 357 money from said E. F.

358 (3) That A. B., on the day of, 19..., did verbally (or
 359 by written or printed communication) maliciously and wilfully threaten to burn
 360 (injure or destroy) a building, the property of C. D., with intent thereby to ex-
 361 tort money from said C. D.

362 (52) FALSE PRETENSES.

363 That A. B., on the day of, 19..., did falsely pretend
 364 to C. D. that (state pretense) and thereby did obtain from said C. D. one hun-
 365 dred dollars (or signature of C. D. to a written instrument), with intent to
 366 cheat and defraud said C. D.

367 (53) FALSE PRETENSES—Obtaining Credit By.

368 That A. B., a member of the firm of Jones, Smith and Company, a part-
 369 nership (or “an officer of Jones, Smith and Company”) ,by false representa-
 370 tion in writing signed by said A. B. as such member (or officer) known by him
 371 to be false, concerning the respectability, wealth, mercantile correspondence (or
 372 assets or liabilities, or both) of said firm (or corporation) on the day
 373 of, 19..., did obtain from C. D. credit for said firm (or corpora-
 374 tion) in the sum of one hundred dollars, and thereby defrauded said C. D. of
 375 one hundred dollars.

376 (54) FALSELY ASSUMING AN OFFICE.

377 That A. B., on the day of, 19..., falsely assumed and
 378 pretended to be a justice of the peace (sheriff, etc.) and took upon himself to
 379 act as such.

380 (55) CELEBRATING MARRIAGE WITHOUT AUTHORITY.

381 That A. B., on the day of , 19..., not being authorized
 382 by law to celebrate marriage, did celebrate a marriage between C. D. and E. F.

383 (56) FALSELY PERSONATING ANOTHER.

384 *Receiving Money or Property.*

385 (1) That A. B., on the day of, 19..., falsely imper-
 386 sonated and represented himself to be C. D. and in that assumed character
 387 received from E. F. one hundred dollars intended by E. F. to be delivered to said
 388 C. D., with intent to convert said money to his own use, and is deemed to be
 389 guilty of larceny.

390 (2) That A. B., on the day of, 19..., falsely imper-
 391 sonated and represented himself to be C. D., and in that assumed character did—

392 (a) Marry C. D.

393 (b) Become bail for E. F.

394 (c) Confess a judgment.

395 (d) Acknowledge the execution of a warranty deed to real estate (release,
 396 deed, etc.).

397 (e) (State what) in the course of a suit at law whereby the rights of E. F.
398 were effected.

399 (57) FRAUDS—Gas.

400 (1) That A. B., on the day of, 19..., did obstruct (in-
401 jure, alter, etc.) the action of a gas (water or electric) meter, with intent to de-
402 fraud (or injure) C. D.

403 (2) That A. B., on the day of, 19..., did make a con-
404 nection with a gas pipe (water pipe or electric wires) to conduct gas (water or
405 electric current) to a burner (orifice, etc.) without the same passing through a
406 meter there situate, without the consent of E. F., the furnisher of such gas, with
407 intent to defraud (or injure) said E. F.

408 (58) ON LIFE AND ACCIDENT INSURANCE COMPANY.

409 That A. B., on the day of, 19..., did obtain from C. D.
410 a life insurance company, doing business in the State of Illinois, one hundred
411 dollars on a policy, by falsely representing E. F., the person insured, to be dead.

412 (59) FALSELY HOLDING OUT AS ATTORNEY.

413 That A. B., on the day of, 19..., falsely held himself
414 out as an attorney at law.

415 (60) FRAUDULENT STOCK.

416 (1) That A. B., president of Smith and Company, knowingly and design-
417 edly, with intent to defraud C. D., on the day of, 19...,
418 did issue, sell, transfer, assign, pledge (use all or any of these words, as the case
419 may be) a false, fraudulent and simulated certificate of stock of said corpora-
420 tion.

421 (2) That A. B., president of Smith and Company, wilfully and designed-
422 ly, on the day of, 19..., did sign a false, fraudulent and
423 simulated certificate of stock of said corporation, with intent to issue (or sell,
424 pledge) same, not being authorized in that regard by charter or by-laws of
425 said corporation or amendments thereto.

426 (61) FRAUDULENT SALE OF LANDS.

427 That A. B. sold a tract of land, and thereafter, on the day of
 428, 19..., knowingly and fraudulently again sold said tract of land to C. D.

429 (62) FRAUDULENT ACKNOWLEDGMENT.

430 That A. B., a notary public authorized to take acknowledgment of convey-
 431 ances of real property, on the day of, 19..., did wilfully
 432 and falsely certify that C. D. acknowledged a deed to realty, with intent to de-
 433 fraud (or injure) E. F. (or to enable C. D. to defraud G. H.).

434 (63) FRAUDULENT RECEIPT.

435 That A. B., on the day of, 19..., fraudulently and
 436 falsely made (or uttered) receipt (or written evidence) of delivery and deposit
 437 of one thousand barrels of flour in a warehouse (wharf, place of storage, etc.)
 438 there situate.

439 (64) FRAUDULENT RECEIPT—Removal of Warehouse Goods.

440 That A. B., on the day of, 19..., having given receipt
 441 of delivery and deposit of one thousand barrels of flour in a warehouse and
 442 place of storage there situated to C. D., did sell (encumber, ship, etc.) and re-
 443 move from said warehouse and place of storage five hundred barrels of said
 444 flour without the written consent of said C. D.

445 (65) FORGERY.

446 (1) That A. B., on the day of, 19..., with intent to
 447 defraud, did forge an instrument purporting to be a
 448 (give name of instrument, description, tenor, or substance, as pleader chooses).

449 (2) That A. B., on the day of, 19..., with intent to
 450 defraud, did utter and publish as true and genuine a certain forged instrument
 451 purporting to be a (give name of instrument, description,
 452 tenor, or substance, as pleader chooses).

453 (66) FORGERY—Of Indorsement.

454 (1) That A. B., on the day of, 19..., did forge a cer-
 455 tain indorsement in and upon the back of and as part of a certain promissory

note (check, etc.), with intent to prejudice, damage and defraud. (The purport or substance of note, etc., and endorsement may be set forth if the pleader desires).

(2) That A. B., on the day of, 19..., did utter and publish as true and genuine a certain forged indorsement in and upon the back of and as a part of a certain promissory note (check, etc.), with intent to prejudice, damage and defraud. (The purport or substance of the note and indorsement may, if desired, be set forth).

(67) FORNICATION.

That A. B., on the day of, 19..., did commit fornication with C. D., a single woman.

(68) GAMING HOUSE.

That A. B., on the day of, 19..., during the (three months) next before the return of this indictment did keep a common gaming house.

(69) GAMING.

That A. B., on the day of, 19..., did play for money at a game for the purpose of winning or losing money.

(70) INCEST.

(1) That A. B., on the day of, 19..., being the father of C. D., did rudely and licentiously co-habit with C. D.

(2) That A. B., on the day of, 19..., being the uncle of C. D. (or state relationship within degrees of consanguinity within which marriages are declared by law to be incestuous and void) did intermarry (commit adultery or fornication) with said C. D.

(7) KIDNAPPING FOR RANSOM.

That A. B., on the day of, 19..., wilfully and forcibly seized and secretly confined C. D., a minor, against the will of E. D., parent of C. D., for the purpose of extorting ransom (or money) from said E. D.

(72) LARCENY.

(1) That A. B., on the day of, 19..., did steal one

487 coat, one hat, one pair of shoes, and one cane, of the value of more than fifteen
 488 dollars (or, less than fifteen dollars, as the case may be), of the property of
 489 C. D.

490 (2) That A. B., on the day of, 19..., did steal six
 491 cows, each of the value of twenty dollars, of the property of C. D.

492 (73) LARCENY FROM REALTY.

493 That A. B., on the day of, 19..., by a trespass, with
 494 intent to steal, did take and carry away from the realty, to-wit, from the build-
 495 ing of C. D. there situate, ten pounds of lead pipe, each pound of the value of
 496 twenty cents, of the property of C. D., against his will, the said lead pipe be-
 497 ing annexed to and a parcel of said realty.

498 (74) LARCENY—Beast or Bird.

499 That A. B., on the day of, 19..., did steal one bird of
 500 the value of one dollar, of the property of C. D.

501 (75) LARCENY—By Bailee.

502 That A. B., on the day of, 19..., as bailee, did con-
 503 vert to his own use one hundred dollars, of the property of C. D., with intent
 504 to steal the same, and did steal the same.

505 (76) LARCENY—Embezzlement.

506 That A. B., on the day of, 19..., being an officer
 507 (agent, clerk or servant) in the employ of C. D., without consent of said em-
 508 ployer, did embezzle and fraudulently convert to his own use one hundred dol-
 509 lars, the property of said employer that came to his possession and was under
 510 his care by virtue of said employment, and did steal the same.

511 (77) LARCENY—Embezzlement.

512 That A. B., administrator of the estate of C. D., deceased (or executor of the
 513 last will of C. D., deceased,) or guardian of the estate of C. D., a minor; or con-
 514 servator of the estate of C. D., an idiot (distracted person, etc., as the case
 515 may be) on the day of, 19..., did fail and refuse, without
 516 good cause, to account for and pay over one hundred dollars in his hands as
 517 such when legally required so to do, and is deemed to be guilty of larceny.

518 (78) LARCENY—Embezzlement.

519 That A. B., a justice of the peace (attorney at law, etc.) authorized by law
520 to collect money, on the day of, 19..., did fail and refuse to
521 pay over to C. D. one hundred dollars less his proper charges, collected by said
522 A. B., said C. D. having duly demanded same.

523 (79) LIBEL.

524 That A. B., on the day of, 19..., did maliciously de-
525 fame and libel C. D.

526 (80) LOTTERY.

527 (1) That A. B., on the day of, 19..., did set up and
528 promote a lottery for money.

529 (2) That A. B., on the day of, 19..., in a house owned
530 by him, knowingly permitted the setting up (or managing or drawing) of a lot-
531 tery therein.

532 (3) That A. B., on the day of, 19..., did sell a ticket
533 in a lottery to C. D.

534 (4) That A. B., on the day of, 19..., did knowingly
535 print (publish, distribute or circulate) an advertisement of a lottery ticket and
536 scheme.

537 (81) LOTTERY POLICY.

538 (1) That A. B., on the day of, 19..., did sell lottery
539 policies.

540 (2) That A. B., on the day of, 19..., kept, occupied
541 and used a place for policy playing.

542 (82) MAYHEM.

543 That A. B., on the day of, 19..., did assault C. D.,
544 and with malicious intent to maim and disfigure said C. D., did cut off his right
545 ear.

546 (83) MALICIOUS MISCHIEF.

547 (1) That A. B., on the day of, 19..., did wilfully and

548 maliciously destroy (injure or deface) a certain building (or fixtures attached
549 thereto, naming them) there situate, the property of C. D., without the consent
550 of the said C. D., and that the damage thereby done exceeds (or does not ex
551 ceed) fifteen dollars.

552 (2) That A. B., on the day of, 19..., did wilfully and
553 maliciously destroy (injure or secrete) one chair, of the goods and chattels of
554 C. D., and that the damage done thereby exceeds (or does not exceed) fifteen
555 dollars.

556 (84) MANUFACTURE, TRANSPORTATION AND SALE OF EXPLOSIVES.

557 (1) That A. B., on the day of, 19..., did bring into
558 the State of Illinois, dynamite, with intent to use the same for unlawful injury
559 to property.

560 (2) That A. B., on the day of, 19..., did make (man-
561 ufacture or compound, etc.) dynamite, with intent to use the same for unlawful
562 destruction of life.

563 (85) MANSLAUGHTER.

564 That A. B., on the day of, 19..., did assault and beat
565 (shoot, stab, poison, etc.) C. D., with intent to kill him, and by such assault and
566 beating (shooting, stabbing, choking, poisoning, etc.) did kill said C. D.

567 (86) MURDER.

568 That A. B., on the day of, 19..., of his malice afore-
569 thought, with a certain ax, did assault and beat (shoot, stab, choke, poison, etc.)
570 C. D. with intent to murder him, and by said assault and beating (shooting, etc.)
571 did kill and murder said C. D.

572 (87) OBSCENE BOOKS.

573 (1) That A. B., on the day of, 19..., brought into the
574 State of Illinois an obscene and indecent book (or pamphlet, etc.).

575 (2) That A. B., on the day of, 19..., advertised for
576 sale a certain obscene and indecent book (or pamphlet, etc.).

577 (3) That A. B., on the day of, 19..., did deposit in

the United States Post Office there situate (or did place in charge of the Adams Express Company) three indecent and obscene books (or pamphlets, etc.).

(88) PANDERING.

(1) That A. B., on the day of, 19..., did keep (or hold or detain) one C. D., a female person, in a house of prostitution there situate, against her will.

(2) That A. B., on the day of, 19..., did keep (or hold, detain or restrain, or did attempt to keep, etc.) one C. D., a female person, in a house of prostitution (or, place where prostitution was practiced and allowed), for the purpose of compelling her to pay (or liquidate or cancel) a debt incurred by her (or, to pay, etc., a debt said to have been incurred by her).

(3) That A. B., on the day of, 19..., by promises (or threats or violence, or by a device and scheme) did cause and induce (or persuade and encourage) one C. D., an inmate of a house of prostitution there situate, to remain therein as such inmate.

(4) That A. B., on the day of, 19..., did procure C. D., a female person not having previously practiced prostitution, to become an inmate of a house of ill-fame there situate.

(89) PERJURY.

That in a judicial proceeding pending in the (set forth the tribunal) on an issue within the jurisdiction of said court duly joined and tried before a jury between X as plaintiff and Y as defendant, A. B. was lawfully sworn as a witness.

Whereupon it became and was material to said issue whether (say what), and to this the said A. B. on the day of, 19..., did wilfully, corruptly and falsely testify and say in substance and effect that (say what); all of which said testimony as above set forth being false, as he well knew.

(90) RAPE.

(1) That A. B., on the day of, 19..., a male person of the age of sixteen years and upwards, did make an assault upon C. D., a

608 female not his wife, and forcibly did ravish and carnally did know her, against
609 her will.

610 (2) That A. B., on the day of, 19..., a male person
611 of the age of seventeen years and upwards, did make an assault upon C. D., a
612 female person under the age of sixteen years, not his wife, and did ravish and
613 carnally know her.

614 (91) RECEIVING STOLEN PROPERTY.

615 That A. B., on the day of, 19..., one watch of the
616 value of ten dollars, the property of one C. D., then lately before stolen,
617 did buy, receive and aid in concealing said A. B., well knowing said property
618 to have been stolen as aforesaid.

619 (92) ROBBERY.

620 That A. B., on the day of, 19..., did make an assault
621 upon and did put one C. D. in bodily fear and danger of his life, and one watch
622 of the value of ten dollars, of the property of said C. D., from his person and
623 against his will, did rob.

624 If the defendant was armed, or had a confederate present, add, as the case
625 may be:

626 And said A. B. was armed with a dangerous weapon, with intent if re-
627 sisted to kill and maim said C. D.

628 And said A. B. had a confederate present being as well so armed to
629 aid and abet said A. B. in said robbery.

630 (93) ROBBING GRAVE.

631 That A. B., on the day of, 19..., wilfully and without
632 authority dug up (or disinterred, removed, or conveyed away from the place
633 of sepulture or interment) the remains of a human body.

634 (94) INJURING MONUMENTS.

635 That A. B., on the day of, 19..., wilfully and mali-
636 ciously injured (or defaced, removed or destroyed) a gravestone.

637 (95) SLOT MACHINE.

638 That A. B., on the day of, 19..., did keep, operate
639 and use a slot machine.

640 (96) TRUST—Pools and Combines.

641 (1) That A. B. and C. D., on the day of, 19..., did
642 create (or enter into or become a member of) a pool (or trust, or agreement, or
643 combination, or confederation, or understanding) with E. F. to regulate (or
644 fix) the price of coal, an article of merchandise, and are deemed guilty of con-
645 spiracy to defraud.

646 (2) That A. B. and C. D., on the day of, 19..., did
647 enter into (or become a member of or a party to) a pool (or agreement, etc.)
648 to fix (or limit) the amount and quantity of coal, a commodity, to be mined (or
649 sold) in the State of Illinois, and are deemed guilty of conspiracy to defraud.

650 (97) WITHHOLDING FUNDS.

651 That A. B., formerly treasurer of the City of Chicago, did, on the
652 day of, 19..., fail and refuse, after demand duly made, to pay and
653 deliver over one thousand dollars of the funds of said City of Chicago to C. D.,
654 his successor in said office.

655 (98) WITHHOLDING RECORDS.

656 That A. B., formerly justice of the peace in and for the County of Cook, on
657 the day of, 19..., wilfully withheld and detained one dock-
658 et of said justice of the peace from C. D., his successor in said office.

659 (99) MISCONDUCT OF OFFICERS.

660 That A. B., a justice of the Peace in and for Cook County, omitted and
661 failed palpably to perform a duty of him required in said office.

662 (100) That A. B., a Justice of the Peace in and for Cook County, in said
663 office, wilfully and corruptly oppressed (or, “and wrongfully exercised the
664 power of said office,” or “was partial against”) one C. D.

Sec. 42. When an indictment is found a true bill, or information or com-
2 plaint is filed, if the offense is bailable, the court shall make an order fixing

3 the amount of bail to be required of the accused; and the court, judge, justice
 4 of the peace, or officer, shall examine bail on oath touching their sufficiency,
 5 and may receive other evidence for or against the same in such manner as he
 6 may deem proper; and the bail shall submit for the inspection of the court,
 7 judge, justice of the peace, or officer, schedule upon oath in that regard set-
 8 ting forth a description of property owned by such bail, which schedule shall
 9 recite upon its face in substance, that the bond or recognizance upon which the
 10 bail offer themselves shall be a lien upon any realty or other property de-
 11 scribed. The state's attorney shall certify to the recorder the description of
 12 realty set forth in the schedule, which certificate shall be recorded, and the
 13 bond or recognizance upon which it is based shall be a lien thenceforth upon
 14 the realty described in such certificate until released by an order of the court.
 15 The recorder's fees shall be paid by the county. A certified copy of such
 16 order releasing the lien, or a certificate of the judge, justice of the peace, or
 17 officer, taking the bond or recognizance, or his successor in office, reciting that
 18 the conditions of the bond or recognizance have been faithfully observed, may
 19 be recorded and received as evidence of release of said lien.

Sec. 43. If the defendant fails to appear for arraignment, or for trial or
 2 judgment, or upon any other occasion where his presence in court may be law-
 3 fully required, or to surrendered himself upon the judgment, the court shall di-
 4 rect the fact to be entered upon its record, and the undertaking of bail, or the
 5 money deposited in lieu of bail, as the case may be, shall be thereupon for-
 6 feited.

Sec. 44. Whenever a principal makes default and his non-appearance is
 2 entered upon the records of the court, the recognizance shall be forfeited unless
 3 the court orders otherwise, and no further order or notice shall be necessary
 4 to fix the liability of the sureties, and judgment may thereupon be entered by
 5 the court against the principal and sureties for the full amount of the penalty
 6 and costs without issuing any *scire facias* against them. Judgment against

7 principal and sureties may, in the discretion of the court, upon good cause, be
8 set aside at the term during which it is entered, or the next term of court; and
9 in courts that do not have terms of court, it may be set aside within ninety
10 days. When the judgment becomes final, it shall be collected as judgments in
11 civil cases are collected.

Sec. 45. This Act shall not apply to crimes committed prior to the day
2 that this becomes effective as law, and such crimes shall be prosecuted under
3 the laws in force when committed.

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- 1 Introduced by Mr. Reid (by request), January 25, 1911.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act providing for a system of probation for adults, and authorizing courts to suspend the execution of sentence in certain cases, and for the appointment and compensation of probation officers.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* It shall be the duty of all courts having
3 jurisdiction of criminal or quasi-criminal causes to administer the laws with a
4 view to the reformation of such offenders as have not by their previous conduct
5 or by the character of their offense shown themselves to be incorrigible or
6 vicious criminals, and for this purpose such courts are hereby authorized to
7 suspend the imposition of sentence and place upon probation, during his or her
8 good behavior, any person found guilty either by confession or upon trial, of
9 larceny, embezzlement, or burglary of a place other than a business house,
10 dwelling place or habitation, or of any misdemeanor, or of the violation of any
11 municipal ordinance, whenever the court shall be of the opinion that the welfare
12 of society will be promoted thereby.

Sec. 2. For the purpose of enabling the court to determine the eligibility of any defendant to be placed upon probation, the court may by any proper method investigate and ascertain the past record and present condition of such defendant, and shall cause the result of such investigation when made, or a memorandum thereof, including a statement of the cause which, in the opinion of the court, led the defendant to commit the offense in question, to be filed or otherwise preserved.

Sec. 3. The method of placing a defendant upon probation shall be as follows: Whenever the court is satisfied from such investigation that the defendant is not an incorrigible or vicious offender and may be reformed without punishment, and that such offender is desirous of thereafter living an upright life and obeying the law, the court shall enter an order suspending the imposition of sentence and continuing said cause to such time as the court may determine, not, however, exceeding three years. Said order shall set forth in substance the conditions under which the imposition of sentence is suspended, a copy or memorandum of which shall be furnished the defendant, together with a plainly written or printed statement explaining the purpose thereof, and that any violation of such order or of any of the conditions embraced therein or removal by the defendant outside the county where such trial is had, without the consent of the court, shall subject the defendant to the full penalty of the judgment, the imposition of which has been suspended. Thereupon, such sentence shall be and remain suspended during the good behavior of the defendant and until the further order of the court.

One of such conditions shall be that such offender make restitution or reparation to the person injured by him in the commission of his offense, whenever the same can be done, within such time as the court may fix.

The court may in its discretion require the defendant to enter into recognizance with or without sureties, and in such amount as the court may fix, conditioned upon his faithful compliance with all the conditions imposed in such

order, and may in general impose such reasonable and proper conditions and restrictions as will in the judgment of the court assist and encourage such offender to thereafter live an upright life and obey the law. The court may at any time change or modify such requirements, and may vacate and set aside such order and discharge the defendant whenever the court shall be satisfied that such defendant has become wholly and permanently reformed, and will thenceforth be able and willing to live an upright life and obey the law. Should the defendant at any time after the suspension of sentence and prior to his final discharge, violate any of the conditions of his probation or should he again be guilty of violation of law, the order suspending such sentence shall be set aside and judgment shall be entered upon the verdict or plea of guilty in all respects the same as if there had been no suspension thereof, unless the court shall, after investigation, be of the opinion that there are mitigating circumstances which render it proper and advisable to allow the defendant another opportunity of complying with the conditions of his probation.

Should such defendant, prior to his final discharge, remove from the State without the consent of the court, the State's Attorney of the proper county shall proceed against such defendant as a fugitive from justice and require his return from any State or Territory where he may be found.

Sec. 4. For every court having original criminal or quasi-criminal jurisdiction there shall be appointed in the manner hereinafter provided such number of competent persons to act as probation officers as may be necessary to enable the court to investigate the past record and present condition of the persons brought before it, and to exercise careful supervision over those released upon probation. The number of probation officers shall not in any county exceed one for each two hundred probationers or fraction thereof whose cases are pending and in which no final discharge has been entered. *Provided*, there shall be at least one probation officer in attendance upon each court of record or branch thereof trying criminal or quasi-criminal causes.

Sec. 5. Probation officers in counties having less than one million population shall be appointed by the County Judge of the respective county. The appointment of probation officers for all the courts in counties having a population of one million or more shall be made by the judges or a majority thereof of all the Courts of Record in said county acting as one body. All probation officers shall have and exercise the powers of a police officer or constable, and shall be removable at pleasure by the Judge or Judges appointing them.

Sec. 6. The Judges of all the Courts of Record in any county having a population of one million or more or a majority thereof, acting as one body, shall appoint a Chief Probation Officer for such county to act at their pleasure, and shall also appoint such assistants to such chief probation officers as may be necessary. The Chief Justices of said courts acting together shall have and exercise general supervision over all the probation officers in such county, and shall adopt such general rules for their guidance and regulation as shall best enable such probation officers to perform the duties of their office.

Sec. 7. The compensation of probation officers (except those appointed for the Municipal Court of Chicago) shall be fixed by the County Commissioners or Supervisors of the several counties for which said officers are appointed, and shall be paid by the County Treasurer upon proper warrants issued as in other cases. The compensation of probation officers appointed for the Municipal Court of Chicago shall be fixed by the Judges of said Municipal Court and shall be paid by the City Treasurer upon proper warrants. *Provided, however,* that the compensation paid the Chief Probation Officer in counties of the third class shall not be more than five thousand dollars nor less than three thousand dollars per annum; the compensation of the assistant probation officers shall not be more than three thousand dollars per annum nor less than two thousand dollars per annum, and the compensation of any other probation officer in counties of the third and second class shall not be more than eighteen hundred dollars nor less than nine hundred dollars per annum; that the com-

15 pensation of probation officers in counties of the first class shall not exceed the
16 sum of four dollars per day for such time as said officers shall be actually
17 engaged in the discharge of their official duties. If any probation officer is
18 required in the discharge of his duty to incur special or extraordinary expenses,
19 he shall be reimbursed therefor upon approval thereof by the court directing
20 the performance of the service in which such expense was incurred.

Sec. 8. No probation officer shall receive any compensation, gift or gratuity
2 whatsoever from any person or corporation, for doing or refraining from doing
3 any official act or any act in any way connected directly or indirectly with the
4 duties of his said office. Any probation officer violating the provisions of this
5 section shall be deemed guilty of a misdemeanor and may be punished accord-
6 ingly, and shall be immediately removed by the Judge or Judges having the
7 power of removal.

Sec. 9. Upon the termination of the probation period the probation officer
2 shall report the fact to the court, and also the conduct of the probationer dur-
3 ing the period of probation, and the court may thereupon discharge the proba-
4 tioner from further supervision or extend the probation period, as the circum-
5 stances require: *Provided*, the maximum period of probation herein limited
6 shall not be exceeded.

7 When a probationer is discharged upon the expiration of the probation
8 period, or upon its earlier termination by order of the court, entry of the dis-
9 charge shall be made in the records of the court, and the probationer shall be
10 entitled to a certified copy thereof.

Sec. 10. The provisions of this Act, except as herein specially provided,
2 shall not be construed as in any way applying to, limiting or repealing the Ju-
3 venile Court law as contained in an Act entitled "An Act to regulate the
4 treatment and control of dependent, neglected or delinquent children," approved
5 April 21, 1899, or any amendment thereto.

Sec. 11. The invalidity of any portion of this Act shall not affect the va-
2 lidity of any other portion thereof which can be given effect without such invalid
3 part.



- 1 Introduced by Mr. Reid (by request), January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, when
appointed.

A BILL

For an Act providing for the establishment of a State Probation Commission.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* General supervision over the work of
3 all adult and juvenile probation officers throughout the State shall be exercised
4 by the State Probation Commission, which is hereby established and which shall
5 consist of five members who shall serve without compensation, and who shall be
6 selected as follows: Three members thereof to be known as appointive members
7 who shall be appointed by the Governor within thirty days after the passage of
8 this Act, for terms of one, two and three years respectively, and their successors
9 shall be appointed for terms of three years each. The State Board of Charities
10 shall once each year designate one of its members to act as a member of such
11 commission and the State Superintendent of Public Instruction shall be exofficio
12 a member thereof. All vacancies accruing among appointive members shall be
13 filled by the Governor for the unexpired term.

14 The Commission shall hold stated meetings, not less often than once every
15 two months. It shall collect and publish statistical and other information as to

16 the operation of the probation system and shall keep informed as to the work
17 and efficiency of all probation officers appointed under the provisions of any law
18 of this State. It shall endeavor to secure the effective application of the proba-
19 tion system herein provided in all parts of the State. It shall on or before the
20 first day of January, 1913, and every two years thereafter, report to the Legis-
21 lature its proceedings under this Act and the results of the probation system as
22 administered throughout the State, together with any suggestions or recommen-
23 dations it may consider proper for the most effectual accomplishment of the
24 general purposes of this Act.

Sec. 2. The State Probation Commission is hereby authorized to employ
2 a chief executive officer who shall be its Secretary, at a salary of not exceeding
3 Three Thousand Dollars per annum, a stenographer and such other employees
4 within the limits of the sums appropriated for its use by the Legislature as may
5 be necessary in the efficient conduct of the business of such commission. Such
6 salaries, together with the necessary traveling expenses of the members of the
7 commission shall be paid by the State Treasurer upon approval by the com-
8 mission.

Sec. 3. The names and addresses of all probation officers appointed under
2 the provisions of any law of this State shall, within ten days after their ap-
3 pointment, be forwarded by the Judge or Judges making such appointment to
4 the Illinois Probation Commission, and all subsequent appointments or re-
5 movals shall be forwarded in like manner to such commission.

Sec. 4. It shall be the duty of the State Probation Commission annually
2 on or before the first day of September to furnish to all probation officers and
3 to all clerks of courts of record having criminal or quasi-criminal jurisdiction
4 and to all Justices of the Peace and Police Magistrates proper blanks for re-
5 ports covering the work of such probation officers, and the number and character
6 of the probation cases in such courts and the results thereof, together with
7 such other information as said commission shall deem pertinent, and it shall

8 thereupon be the duty of such probation officers, clerks of courts, Justices of
9 the Peace and Police Magistrates within sixty days thereafter to return to the
10 State Probation Commission, under their official oaths, such blanks properly
11 and accurately filled out as near as may be. Any probation officer who shall fail
12 to properly make out and return such report within sixty days after receiving
13 the same from the State Probation Commission, shall not be entitled to receive
14 any compensation after such sixty days and until the same shall be properly
15 made out and returned as herein provided.

- 1 Introduced by Mr. Smiley, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act for an appropriation for ordinary expenses of the Northern Illinois
State Normal School, DeKalb.

SECTION 1. *Be it enacted by the People of the State of Illinois,*

2 *represented in the General Assembly:* That there be and is hereby appropriated
3 for the purpose of defraying the ordinary expenses of the Northern Illinois State
4 Normal School, DeKalb, for the year beginning July 1, 1911, the sum of eighty-
5 one thousand dollars, payable quarterly in advance.

Sec. 2. For the purpose of defraying the ordinary expenses of the said

2 State institution for the year beginning July 1, 1912, the sum of eighty-one
3 thousand dollars is appropriated, payable quarterly in advance, and the said ap-
4 propriation shall be received by the said institution until the expiration of the
5 first fiscal quarter after the adjournment of the next General Assembly.

Sec. 3. The Auditor of Public Accounts is hereby authorized and required

2 to draw his warrant upon the State Treasurer for said sums so appropriated for
3 ordinary expenses, quarterly, upon the order of the trustees of said institution,
4 signed by the president and attested by the secretary, with the corporate seal at-

5 tached: *Provided*, that no part of said sum shall be due and payable to said in-
6 stitution until a detailed statement of receipts from all sources, together with
7 a detailed statement of the expenditures accompanied by the original vouchers,
8 is filed with the Auditor of Public Accounts for all previous expenditures in-
9 curred, and said detailed statement of receipts and expenditures shall show the
10 balance on hand at the beginning of the period for which said statement is made,
11 the total amount received and expended, and the balance on hand at the close of
12 the quarter for which the same is made.



- 1 Introduced by Mr. Terrill, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making appropriations for the Western Illinois State Normal School.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly: That the following sums be and are
 hereby appropriated to the Western Illinois State Normal School for the pur-
 poses herein stated for the two years beginning July 1, 1911:

For the purpose of defraying the ordinary expenses, the payment of the
 principal and instructors, employees and workmen, for fuel, light, apparatus, and
 all incidental necessary expenses and supplies, per annum, \$65,000.00.

For repairs of building, per annum, \$2,000.00.

For expenses of trustees, per annum, \$250.00.

For addition to the library, per annum, \$1,500.00.

For care and improvement of grounds, per annum, \$1,500.00.

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
 to draw his warrant upon the State Treasurer for said so appropriated
 for ordinary expenses, quarterly, upon the order of the trustees of
 said institution, signed by the president and attested by the secretary, with cor-

5 porate seal attached: *Provided*, that no part of said sum shall be due and
6 payable to said institution, until a detailed statement of receipts from all
7 sources, together with a detailed statement of expenditures accompanied by the
8 original vouchers, is filed with the Auditor of Public Accounts for all previous
9 expenditures incurred, and said detailed statement of receipts and expenditures
10 shall show the balance on hand at the beginning of the period for which said
11 statement is made, the total amount received and expended, and the balance on
12 hand at the close of the quarter for which the same is made.



- 1 Introduced by Mr. Tourtillott, January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act for appropriations for the Northern Illinois State Normal School at De Kalb.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
represented in the General Assembly: That the following sums be and are here-
by appropriated to the Northern Illinois State Normal School, DeKalb, for the
purposes herein stated for the two years beginning July 1, 1911, the aggregate
amount of which is \$28,200:

For Science Laboratories, \$1,000 per annum	\$2,000.00
For Library, \$2,000 per annum	4,000.00
For grounds, school garden and green houses, \$1,000 per annum.....	2,000.00
For extraordinary repairs and changes in main building.....	1,500.00
For the completion of five basement rooms in new building.....	1,700.00
For equipment of new building	4,500.00
For equipment of new laboratory	1,500.00
For two new boilers in heating plant	11,000.00

	\$28,200.00

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrants upon the State Treasurer for the aforesaid sums of
3 money upon the order of the board of trustees of said educational institution
4 herein named, signed by the president and attested by the secretary of said board
5 with the corporate seal of said institution attached and approved by the Gover-
6 nor: *Provided*, said orders shall be accompanied by statements in detail of all
7 expenditures made in pursuance of the aforesaid appropriations respectively,
8 and no warrant shall be issued until such statements are filed by the said insti-
9 tution.



- 1 Introduced by Mr. Wright (by request), January 25, 1911.
- 2 Read by title, ordered printed and referred to Committee on Sanitary Affairs,
when appointed.

WHEREAS, The central part of this State consists of agriculture land, and
2 does not include any large streams of water, which furnish pure water for do-
3 mestic use; and this part of the State is thickly settled, and will become more
4 densely inhabited, and the cities which have grown up in this section have ex-
5 hausted all natural resources for water for domestic, as well as fire uses, and
6 in many cases, in the last year, many diseases have become epidemic for the rea-
7 son there could not be secured a sufficient pure water supply for the citizens of
8 the inland cities.

9 WHEREAS, There is located an inexhaustible supply of good water adjoining
10 the northeast boundary of this State, and the health of many of the inhabitants
11 of this State demand that some State assistance be given them.

A BILL

For an Act authorizing the Governor to appoint three engineers to make inquiry
into the feasibility of installing and maintaining a pipe line from Lake Michigan
to the City of Springfield, to supply pure water to the citizens of this State for
domestic and municipal purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the Governor is authorized to ap-
3 point, within ninety days after the passage of this Act, three competent en-
4 gineers to make an inquiry into the feasibility of constructing and maintaining
5 a pipe line from the south line of Lake Michigan to the City of Springfield.
6 Said pipe line to be of sufficient size and strength to supply all water needed,
7 to the inhabitants in the territory through which it passes, for domestic and
8 municipal purposes.

Sec. 2. The engineers comprising this commission shall make their report
2 in writing, giving all information needed to construct said pipe line, to the Gov-
3 ernor, in time for him to submit the same to the next Legislature.



- 1 Introduced by Mr. J. E. Anderson, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

For an Act to empower cities, villages and incorporated towns to provide for the deposit and disposition of corporate funds.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the treasurer of any city, village or incorporated town, in this state not now having, by its charter, the power to provide for the deposit and disposition of city funds as is herein authorized and provided for, may be required to keep all moneys in his hands, belonging to the corporation, in such place or places of deposit as may be designated by ordinance: *Provided, however,* no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the City Council or Board of Trustees shall direct and approve, sufficient to save the corporation from any loss, but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied,

14 by the corporation. The treasurer shall keep all moneys belonging to the cor-
15 poration in his hands separate and distinct from his own moneys, and he is
16 hereby expressly prohibited from using, either directly or indirectly, the cor-
17 poration money or warrants in his custody and keeping, for his own use and
18 benefit, or that of any other person or persons whomsoever; and any violation
19 of this provision shall subject him to immediate removal from office by the City
20 Council or Board of Trustees, who are hereby authorized to declare said office
21 vacant.

Sec. 2. Whereas, there are certain cities, villages and incorporated towns
2 in the State where the councils are desirous of regulating the deposit and dispo-
3 sition of city funds before the next spring election, therefore, an emergency ex-
4 ists, and this Act shall be and become in force from and after its passage.



- 1 Introduced by Mr. J. E. Anderson, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

For an Act to enable cities, towns and villages organized under any general or special law to regulate, license and control wagons and other vehicles.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That any city, village or incorporated
3 town of this State not now having by its charter the power to direct, license and
4 control all wagons and other vehicles as is hereby authorized and provided for,
5 is hereby empowered by ordinance, to direct, license and control all wagons and
6 other vehicles conveying loads within the city or village or any particular class
7 of such wagons and other vehicles and prescribe the width and tire of the same,
8 the license fee when collected to be kept as a separate fund and used only for
9 paying the cost and expense of street or alley improvement or repair.

Sec. 2. Any such city or village shall have power, by ordinance, to provide
2 such rules, and make such regulations as are proper or necessary to carry into
3 effect the powers granted by this Act, with such fines or penalties as the city

4 council or board of trustees shall deem proper: *Provided*, no fine or penalty shall
5 exceed \$200.00 and no imprisonment shall exceed six months for one offense.

Sec. 3. Whereas, an emergency exists, this Act shall be in force and take ef-
2 fect from and after its passage.



- 1 Introduced by Mr. ApMadoe (by request), January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Corporations (when appointed).

A BILL

For an Act to amend Sections twenty-nine, thirty-one and thirty-two of an Act entitled, "An Act concerning corporations," approved April 18, 1872, and in force July 1, 1872, as amended by an Act approved June 4, 1889, and in force July 1, 1889, entitled, "An Act to amend Sections thirty-one and thirty-two of an Act entitled, 'An Act concerning corporations,' approved April 18, 1872, and in force July 1, 1872," and all Acts amendatory thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Sections twenty-nine, thirty-one and thirty-two of an Act entitled, "An Act concerning corporations," approved April 18, 1872, and in force July 1, 1872, as amended by an Act approved June 4, 1889, and in force July 1, 1889, entitled, "An Act to amend Sections thirty-one and thirty-two of an Act entitled, 'An Act concerning corporations,' approved April 18, 1872, and in force July 1, 1872," be and the same are hereby amended so as to read as follows:

9 Sec. 29. Societies, corporations and associations (not for pecuniary profit)
 10 may be formed as hereinafter provided. Any three or more persons, citizens of
 11 the United States, who shall desire to associate themselves for any lawful pur-
 12 pose, other than for pecuniary profit, may *by themselves or by a committee of not*
 13 *less than three appointed by them for that purpose*, make, sign and acknowledge,
 14 before any officer authorized to take acknowledgments of deeds in this State, and
 15 file in the office of the Secretary of State a certificate in writing, in which shall be
 16 stated the name or title by which such corporation, society or association shall be
 17 known in law, the particular business and objects for which it is formed, the num-
 18 ber of its trustees, directors or managers, and the names of the trustees, direc-
 19 tors or managers selected for the first year of its existence.

20 Sec. 31. Corporations, associations and societies, not for pecuniary profit,
 21 formed under this Act shall be bodies corporate and politic, by the name stated in
 22 such certificate; and by that name they and their successors shall and may have
 23 succession, and shall be persons in law capable of suing and being sued; may
 24 have power to make and enforce contracts in relation to the legitimate business
 25 of their corporation, society or association; may have and use a common seal, and
 26 may change or alter the same at pleasure, and they and their successors, by their
 27 corporate name, shall, in law, be capable of taking, purchasing, holding and dis-
 28 posing of real and personal estate for purposes of their organization; may, *by*
 29 *themselves or by their trustees, directors or managers*, make by-laws not incon-
 30 sistent with the Constitution and laws of this State, or of the United States,
 31 which by-laws, among other things, shall prescribe the duties of all officers of the
 32 corporation, society or association, and the qualification of members of the cor-
 33 poration, and *may* provide for annual meetings of such members, and for the
 34 calling of special meetings, when necessary, and for the number of members
 35 that shall constitute a quorum for the transaction of business at any such an-
 36 nual or special meetings. At any such meeting members of the corporation may
 37 take part and vote in person or by proxy. The by-laws of the corporation may

38 be modified, altered or amended at any such annual meeting, or at any adjourned
39 session thereof. Associations and societies which are intended to benefit the
40 widows, orphans, heirs and devisees of deceased members thereof, and members
41 who have received a permanent disability, and where no annual dues or premiums
42 are required, and where the members shall receive no money as profit or other-
43 wise, except for permanent disability, shall not be deemed insurance companies.

44 Sec. 32. Corporations, associations and societies, not for pecuniary profit,
45 formed under the provisions of this Act, may elect trustees, directors or manag-
46 ers *who need not be* members thereof, in such manner, at such times and places,
47 and for such periods, as may be provided by the certificate of incorporation, or in
48 case such certificate does not contain such provisions, then as may be provided by
49 the by-laws, which trustees, directors or managers shall have the control and man-
50 agement of the affairs and funds of the corporation, society or association. Said
51 trustees, managers or directors may, upon consent of the corporation, society or
52 association, expressed by the vote of a majority of the members thereof, borrow
53 money, to be used solely for the purposes of their organization, and may pledge
54 their property therefor. Whenever trustees, managers or directors shall be elect-
55 ed, a certificate under the seal of the corporation, giving the names of those
56 elected and the term of their office, shall be recorded in the office of the recorder
57 of deeds where the certificate of organization is recorded. Vacancies in the board
58 of trustees, directors or managers, shall be filled in the manner provided by their
59 by-laws, and upon filling any vacancy a like certificate shall be recorded. *Such*
60 *corporations may, however, by their certificate of incorporation or by-laws, re-*
61 *strict in such manner as they may desire the powers and functions of said trus-*
62 *tees, managers or directors, and control and manage their affairs, funds and busi-*
63 *ness directly by themselves, and also to such extent as they may elect in each case*
64 *by and through such boards, committees, trustees or other agencies, as they may*
65 *deem best.*

66 *Unincorporated organizations, societies or bodies, now or hereafter existing*
67 *may, without losing their identity, become incorporated under this Act, as cor-*
68 *porations not for pecuniary profit, by complying with its provisions; and such un-*
69 *incorporated organizations, societies or bodies as have heretofore become or at-*
70 *tempted to become incorporated (not for pecuniary profit), and those which shall*
71 *hereafter become so incorporated shall be considered and construed in law and*
72 *equity to have in no respect lost their identity, but to have, own and possess all the*
73 *rights, property and privileges and be clothed with all the duties theretofore had,*
74 *owned or possessed by them.*



- 1 Introduced by Mr. Campbell, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Parks and Boule-
vards (when appointed).

A BILL

For an Act to amend Section one (1) of an Act entitled "An Act to authorize cities having a population of less than 50,000 to establish and maintain by taxation public parks," approved May 13, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section one (1) of an Act entitled
3 "An Act to authorize cities having a population of less than 50,000 to establish
4 and maintain by taxation public parks" (approved May 13, 1907, in force July 1,
5 1907), be and the same is hereby amended to read as follows:

6 Sec. 1. That the city council of each incorporated city of this State having
7 a population of less than 50,000, whether organized under general law or special
8 charter, shall have power to establish and maintain public parks for the use and
9 benefit of the inhabitants of such city, and may levy a tax not to exceed two
10 mills on the dollar annually on all taxable property embraced in the city accord-
11 ing to the valuation of the same as made for the purpose of State and county

12 taxation by the last assesment. *The tax so collected shall be under the charge*
13 *and control of the Park Board of such cities and shall be expended only by order*
14 *of the Board. The annual tax when collected by the city, town or county col-*
15 *lector shall be paid directly to the treasurer of the Park Board.*

- 1 Introduced by Mr. Carter, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Railroads (when
appointed).

A BILL

For an Act to regulate the rate of excess baggage.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That each common carrier in this State
3 which shall engage in the carriage of passengers by railroad, between points in
4 this State, shall receive and transport with each passenger tendering the same,
5 the personal baggage of such passenger, not exceeding one hundred and fifty
6 pounds (150) for an adult, and seventy-five pounds (75) for a minor less than
7 twelve (12) years old, and such personal baggage shall be carried without com-
8 pensation other than the passenger transportation charge. All baggage as de-
9 fined by this Act in excess of the weights here specified is hereby declared to be
10 excess baggage, and such carriers are required to carry such excess baggage with
11 the passenger as required by this Act.

Sec. 2. The samples, goods, wares, appliances and catalogues of commercial
2 travelers or their employers, and used by them for the purpose of transacting

3 their business and carried with them solely for that purpose, when securely
4 packed and locked in substantial trunks or sample cases, of convenient shape and
5 weight for handling, are hereby declared to be baggage within the meaning of this
6 Act, and such carriers are required to transport the same with the passengers,
7 as required by this Act.

Sec. 3. No such carrier shall charge for the carriage of excess baggage as
2 defined by this Act, in excess of one (1) cent for each three (3) miles for each
3 one hundred pounds (100 lbs.): *Provided*, that no charge for such excess shall
4 be less than twenty-five (25) cents, when the entire baggage is less than five hun-
5 dred pounds (500 lbs.) or less than sixty (60) cents, when the entire baggage is
6 over five hundred pounds (500 lbs.), and in determining the rate, fractions of less
7 than one-half ($\frac{1}{2}$) mile, shall be disregarded and fractions of one-half ($\frac{1}{2}$) mile
8 or more shall be counted as one (1) mile.

Sec. 4. Any common carrier violating any provision or requirement of this
2 Act shall be guilty of a misdemeanor and upon conviction thereof shall be fined
3 not less than twenty-five (\$25) dollars nor more than one hundred (\$100) dol-
4 lars.

Sec. 5. In case of the loss of or damage to such samples, goods, wares, ap-
2 pliances or catalogues of any commercial traveler or his employer, the carrier
3 shall not be liable for any greater proportion of the value thereof or the damages
4 sustained thereto than the excess baggage fare paid by the passenger bears to the
5 current rate of freight on such line for like articles in like packages between the
6 same points.

Sec. 6. All laws in conflict with this Act are hereby repealed.



- 1 Introduced by Mr. Collier, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

To amend Section 6 of Article 4 of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by Act approved and in force April 1, 1883.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, as follows:

3 Sec. 6. Whenever this Act shall be submitted to the qualified electors of
4 any city for adoption, there shall be submitted at the same time for adoption or
5 rejection the question of minority representation in the city council or legislative
6 authority of such city. At the said election the ballot shall be in the following
7 form: "For minority representation in the city council," or "against minority
8 representation in the city council," and at any subsequent time on petition of the
9 legal voters equal in number to one-eighth the number of legal votes cast at the
10 next preceding general city election, the city council shall cause the question of
11 minority representation to be submitted to the legal voters of said city, and the

12 ballots shall be in form as provided in this section: *Provided*, that no such
 13 question of representation shall be submitted more than once in every two years.
 14 The judges of such election shall make returns thereof to the city council, whose
 15 duty it shall be to canvass such returns, and to cause the result of such canvass to
 16 be enforced on the records of such city. If a majority of the votes cast at such
 17 election shall be for equal representation in the city council then the members of
 18 the city council, or legislative authority of such city, shall be thereafter elected
 19 in the following manner: The council or legislative authority of such city, at
 20 least one month before the general election in the year in which this Act shall
 21 take effect in such city, shall apportion such city by dividing the population
 22 thereof as ascertained by the last Federal Census, by any number not less than
 23 two, nor more than six, and the quotient shall be the ratio of representation in
 24 the city council. Districts shall be formed of contiguous and compact territory,
 25 and contain, as near as practicable, an equal number of inhabitants: *And, pro-*
 26 *vided, further*, that where said council or legislative authority of such city have
 27 not fixed a ratio of representation and formed the districts or wards, at the time
 28 above specified, the same may be done by any subsequent board of aldermen:
 29 but all official acts heretofore done and ordinances heretofore passed by any
 30 board of aldermen elected at large by the legal electors of any such city on the
 31 minority representation plan, shall be held and taken by all courts in this State
 32 to be of as much validity and binding force as if they had been elected from wards
 33 or districts.

34 After any city shall have adopted minority representation as provided in this
 35 Act then at any subsequent time on petition of the legal votes in number to one-
 36 eighth the number of legal votes cast at the next preceding general city election,
 37 the city council shall cause the question of minority representation to be submit-
 38 ted to the legal voters of said city, and the ballots shall be in form as provided
 39 in this section: *Provided*, that no such question of representation shall be sub-
 40 mitted more than once in every two years. If a majority of the votes cast at such
 41 election shall be "against minority representation in the city council" the alder-
 42 men of such city shall be elected as otherwise provided for in this Act.



- 1 Introduced by Mr. Covey, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corpora-
tions (when appointed).

A BILL

For an Act to authorize cities and villages whose limits are coterminous with the limits of any township to levy, for street purposes, a tax in addition to the tax of two per centum upon the aggregate valuation of all property within such city or village as now prescribed by law.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the city council of each incorporated
3 city and board of trustees of each incorporated village, whether organized under
4 the general law or special charter, whose limits are coterminous with the limits
5 of any township, shall have power and may levy a tax for street purposes of not
6 to exceed six mills on the dollar, annually, on all the taxable property in such
7 city or village: *Provided,* that, if in the opinion of three-fourths of the members
8 elected to the city council or board of trustees of such city or village, a greater
9 levy for street purposes is needed in view of some contingency, an additional tax
10 (in excess of six mills) may be levied of any sum not exceeding forty cents on the

11 one hundred dollars (\$100) of the taxable property of such city or village. Such
12 tax to be levied and collected in like manner with the general taxes of such city or
13 village, and to be known as the street fund: *Provided*, that the said annual tax
14 for street purposes shall not be included in the aggregate amount of taxes as lim-
15 ited by Section 1 of Article 8, of an Act for the incorporation of cities and vil-
16 lages, approved April 10, 1872, and the amendatory Acts thereto, or by any pro-
17 vision of any special charter under which any city or village in this State whose
18 limits are coterminous with the limits of any township is now organized.



- 1 Introduced by Mr. Dennis, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to amend Section 83 of an Act in regard to elections and to provide for filling vacancies in elective offices, approved April 3, 1872, in force July 1, 1872, as amended by an Act approved June 17, 1887, in force July 1, 1887.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 83 of an Act in regard to elections and to provide for filling vacancies in elective offices, approved April 3, 1872, in force July 1, 1872, as amended by an Act approved June 17, 1887, in force July 1, 1887, be and the same is hereby amended to read as follows:

6 Sec. 83. Any person who *endeavors to procure the vote of any elector, or*
7 *the influence of any person over an elector at any election for himself, or for*
8 *or against any person or proposition, by means of a promise of a favor, or by*
9 *means of violence or threats of violence, or threats of withdrawing custom or*
10 *dealing in business or trade, or enforcing the payment of a debt, or bringing a*
11 *suit or criminal prosecution, or any other threat of injury to be inflicted by him*
12 *or his means; or by offering a reward or bribe, or by treating to or giving spir-*

13 *ituous, malt, or other liquor, either directly or indirectly, influences or attempts*
14 *to influence any voter in giving or withdrawing his vote at an election; or gives,*
15 *or offers to give any valuable thing or bribe to any judge or clerk of election,*
16 *as a consideration for some act to be done or omitted to be done, contrary to*
17 *his official duty in relation to said election, shall, on conviction thereof, be fined*
18 *in any sum not less than fifty dollars (\$50.00) and not more than one thousand*
19 *dollars (\$1,000.00) and confined in the county jail not less than thirty days and*
20 *not more than one year and to pay the costs of prosecution, and shall stand com-*
21 *mitted to the county jail until said costs are fully paid. And upon any conviction*
22 *under this section one-half of the fine imposed by the court shall, when col-*
23 *lected, be paid by the officer collecting the same to the person making the com-*
24 *plaint.*



- 1 Introduced by Mr. Etherton, January 31, 1911.
2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation for the ordinary expenses of the Southern Illinois Normal University, at Carbondale, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be and there is hereby appro-
3 priated to the Southern Illinois State Normal University, at Carbondale, in addi-
4 tion to one-half the interest on the college and seminary fund, which is hereby ap-
5 propriated the further sum of seventy-three thousand eight hundred six
6 dollars and forty-four cents (\$73,806.44) per annum, payable quarterly in ad-
7 vance, for the payment of salaries, for fuel, lights, repairs, library, apparatus,
8 museum, salaries of engineers and janitors, printing and advertising, trustees'
9 expenses, laboratory supplies, contingent, summer session, care of grounds,
10 gymnasium, manual training and household arts.

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrant upon the State Treasurer for said sum appropriated for
3 the ordinary expenses, quarterly as aforesaid, upon the order of the trustees of

4 said Southern Illinois State Normal University, signed by the president and at-
 5 tested by the secretary, with the corporate seal thereto attached: *Provided*, that
 6 satisfactory vouchers in detail, approved by the Governor, shall be filed quarterly
 7 with the said Auditor of Public Accounts for all expenses of the preceding
 8 quarter, and no part of the money hereby appropriated shall be due and pay-
 9 able until such vouchers have been filed.

10 Proposed Annual Budget for the next two years (July 1, 1911, to June 30,
 11 1913):

12 Teachers' salaries	\$48,506.44
13 One-half college and seminary fund (may be added to above)	6,493.56
14 Employees' salaries	5,000.00
15 Library—books, magazines and binding	1,500.00
16 Fuel, lights and power	3,000.00
17 Laboratory supplies	1,000.00
18 Apparatus (illustrative)	1,200.00
19 Improvements of grounds	2,000.00
20 Buildings and grounds	1,400.00
21 General supplies	1,000.00
22 Museum	1,300.00
23 Gymnasium	400.00
24 Repairs (1 per cent of cost of buildings)	3,800.00
25 Printing and advertising	1,000.00
26 Contingent fund	1,000.00
27 Manual training	400.00
28 Household arts	300.00
29 Summer session	400.00
30 Trustees' expenses	400.00
31 Incidentals	200.00
	<hr/>
	\$80,300.00



- 1 Introduced by Mr. Etherton, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to construct and furnish a women's building and gymnasium and to provide for needed repairs, equipment and furnishings at the Southern Illinois Normal University at Carbondale, Ill.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be and is hereby appropriated
3 the sum (\$100,000.00) for the purpose of erecting and furnishing a suitable
4 women's building and gymnasium at the Southern Illinois Normal University, at
5 Carbondale, Illinois.

Sec. 2. Said building shall be constructed at such place on the property of
2 the said university as the trustees thereof may select, and under the direction
3 and supervision of said trustees.

Sec. 3. That there be and is hereby appropriated the further sum of
2 \$15,000.00 to cover the following special needs:

SPECIAL APPROPRIATIONS.

3	Frescoing:		
4	All rooms and corridors in Wheeler Building.....	\$1,200.00	
5	Eighteen rooms and lower corridors in main building..	800.00	
6	Eight rooms in science building.....	500.00	
		-----	\$2,500.00
7	Granitoid Walks:		
8	About main building	900.00	
9	About science building	900.00	
		-----	\$1,800.00
10	Gymnasium:		
11	Installing lockers in girls' dressing room	550.00	
12	Installing lockers in boys' dressing room	550.00	
13	Special apparatus	300.00	
		-----	\$1,400.00
14	Furniture		1,000.00
15	Upper stacks in library		2,000.00
16	Out door play apparatus		300.00
17	Woman's dormitory and furnishings.....		100,000.00
18	Installing agricultural equipment		1,000.00
19	Agricultural ground		5,000.00

20	Total		\$115,000.00

Sec. 4. The Auditor of Public Accounts is hereby authorized and directed
to draw his warrants on the State Treasurer for the sum herein ap-
propriated, upon the order of the board of trustees of the Southern Illinois Nor-
mal University, countersigned by the secretary of said board, with the seal of
said university.



- 1 Introduced by Mr. Gilbert, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary (when
appointed).

A BILL

For an Act to amend an Act entitled, "An Act to revise the law in relation to the rate of interest and to repeal certain Acts therein named," approved May 24, 1879, as amended by the Act approved June 17, 1891.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 2 of the Act entitled, "An Act to revise the law in relation to the rate of interest and to repeal certain acts therein named," approved May 24, 1879, as amended by the Act approved June 17, 1891, be and the same is hereby further amended so that the same shall read as follows:

"Sec. 2. Creditors shall be allowed to receive at the rate of five (5) per centum per annum for all moneys after they become due on any bond, bill, promissory note or other instrument in writing; on money lent or advanced for the use of another; on money due on the settlement of account from the day of liquidating accounts between the parties and ascertaining the balance; on money

12 *due on open account after payment thereof has been demanded; on money re-*
13 *ceived to the use of another and retained without the owner's knowledge; and*
14 *on money withheld by an unreasonable and vexatious delay of payment."*



- 1 Introduced by Mr. Hagan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Education, (when
appointed).

A BILL

For an Act to enable boards of education in cities having a population exceeding 100,000 inhabitants, to establish and maintain classes and schools for dependent, neglected and delinquent children, and making appropriations for the payment of the excess cost of maintaining and operating the said classes and schools over the cost of maintaining and operating elementary schools for normal children.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That boards of education in cities having a population of 100,000 inhabitants shall be empowered to establish and maintain classes and schools for the dependent, neglected and delinquent children, residents of such cities.

Sec. 2. Such boards of education may acquire site or sites for such schools anywhere within the counties in which said cities are situated in the same manner as is provided in the case of the acquirement of public school sites in said cities, and authority is hereby expressly granted for this purpose.

Sec. 3. The board of education establishing and maintaining such classes,
2 school or schools, may also employ a superintendent and all other necessary offi-
3 cers, agents and teachers for such schools, and shall prescribe the method of dis-
4 cipline and the course of instruction therein, and shall exercise the same powers
5 and perform the same duties as are prescribed by law for the establishment,
6 maintenance and management of other classes and schools, and, in addition there-
7 to, shall have all powers necessary to carry the terms and provisions of this
8 Act into operation and effect.

Sec. 4. No person shall be employed to teach any class or classes in such
2 school or schools who shall not have first obtained a certificate of qualification
3 for teaching in such school or schools, as provided by law.

Sec. 5. Said board of education shall keep an accurate, detailed and sepa-
2 rate account of all moneys paid out by it for the maintenance of such classes and
3 schools, and for the instruction and care of the pupils attending them, and shall
4 report the same to the State Auditor of Public Accounts on or before the third
5 Monday in August of each year, together with the excess of cost for each and
6 every such pupil for each school year ending in June, over the last ascertained
7 average cost to such board of education for the instruction of normal children in
8 the elementary public schools in said city for a like period of time of attendance,
9 as such excess shall be determined and computed by said board of education.

Sec. 6. There shall be and is hereby appropriated to said board or boards
2 of education maintaining one or more of the said classes or schools by this Act
3 provided to be established, for the purpose of paying the aforesaid excess cost,
4 the sum of money annually equal to the total amount of excess cost determined,
5 computed and reported to the State Auditor of Public Accounts each year, as
6 provided in Section 5 of this Act.

Sec. 7. The State Auditor of Public Accounts is hereby authorized and
2 directed to draw his warrants on the State Treasurer on or before the first Mon-
3 day in September of each year for the respective sums of excess cost thereto-
4 fore reported to him, as provided in Section 5 of this Act, upon the order of the
5 presidents of said boards of education, countersigned by their secretaries.



- 1 Introduced by Mr. Hagan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Education (when
appointed).

A BILL

For an Act to enable boards of education in cities having a population exceeding 100,000 inhabitants, to establish and maintain classes and schools for deaf, dumb, crippled, blind, truant, subnormal, convalescent and incipient invalid children, and making appropriations for the payment of the excess cost of maintaining and operating the said classes and schools over the cost of maintaining and operating elementary schools for normal children.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That boards of education in cities having a population of 100,000 inhabitants shall be empowered to establish and maintain classes and schools for the deaf, dumb, crippled, blind, truant, subnormal, convalescent and incipient invalid children, residents of such cities.

Sec. 2. Such boards of education may acquire site or sites for such schools anywhere within the counties in which said cities are situated in the same manner as is provided in the case of the acquirement of public school sites in said cities, and authority is hereby expressly granted for this purpose.

Sec. 3. The board of education establishing and maintaining such classes,
2 school or schools, may also employ a superintendent and all other necessary offi-
3 cers, agents and teachers for such schools, and shall prescribe the method of dis-
4 cipline and the course of instruction therein, and shall exercise the same powers
5 and perform the same duties as are prescribed by law for the establishment,
6 maintenance and management of other classes and schools, and, in addition there-
7 to, shall have all powers necessary to carry the terms and provisions of this
8 Act into operation and effect.

Sec. 4. No person shall be employed to teach any class or classes in such
2 school or schools who shall not have first obtained a certificate of qualification
3 for teaching in such school or schools, as provided by law.

Sec. 5. Said board of education shall keep an accurate, detailed and sepa-
2 rate account of all moneys paid out by it for the maintenance of such classes and
3 schools, and for the instruction and care of the pupils attending them, and shall
4 report the same to the State Auditor of Public Accounts on or before the third
5 Monday in August of each year, together with the excess of cost for each and
6 every such pupil for each school year ending in June, over the last ascertained
7 average cost to such board of education for the instruction of normal children in
8 the elementary public schools of said city for a like period of time of attendance,
9 as such excess shall be determined and computed by said board of education.

Sec. 6. There shall be and is hereby appropriated to said board or boards
2 of education maintaining one or more of the said classes or schools by this Act
3 provided to be established, for the purpose of paying the aforesaid excess cost,
4 the sum of money annually equal to the total amount of excess cost determined,
5 computed and reported to the State Auditor of Public Accounts each year, as
6 provided in Section 5 of this Act.

Sec. 7. The State Auditor of Public Accounts is hereby authorized and
2 directed to draw his warrants on the State Treasurer on or before the first Mon-
3 day in September of each year for the respective sums of excess cost thereto-
4 fore reported to him, as provided in Section 5 of this Act, upon the order of the
5 presidents of said boards of education, countersigned by their secretaries.



- 1 Introduced by Mr. Hamilton (by request), January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Elections.

A BILL

For an Act to regulate and limit nomination and election expenses; to define and prevent corrupt and illegal practices in nominations and elections; to secure and protect the purity of the ballot, and to require accounts of nomination and election expenses to be filed and providing penalties for the violation of this Act.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* No sums of money shall be paid, and no
3 expenses authorized or incurred by or on behalf of any candidate to be paid by
4 him (except such as he may pay to the State for printing or otherwise as herein
5 provided) in order to secure or aid in securing his nomination or election to any
6 public office or position in this State, in excess of twenty per cent of one year's
7 compensation or salary of the office for which he is a candidate; or where the
8 office embraces that of member of the House of Representatives of the General
9 Assembly, the twenty per cent shall be computed on the salary fixed for the
10 term of two years, and in the case of members of the Senate on one-half of the
11 salary fixed for the term of four years: *Provided,* that no candidate shall be
12 restricted to less than one hundred dollars in his campaign for such nomination.

13 No sums of money shall be paid, and no expenses authorized or incurred contrary
 14 to the provisions of this Act for or on behalf of any candidate for nomination.
 15 For the purposes of this law the contribution, expenditure or liability of a de-
 16 scendant, ascendant, brother, sister, uncle, aunt, nephew, niece, wife, partner, em-
 17 ployer, employee or fellow official or fellow employee of a corporation shall be
 18 deemed to be that of the candidate himself.

Sec. 2. Every political committee shall appoint and constantly maintain a
 2 treasurer who shall receive, keep and disburse all sums of money which may be
 3 collected or received by such committee or by any of its members for election ex-
 4 penses; and unless such treasurer is first appointed and thereafter maintained,
 5 it shall be unlawful for a political committee or any of its members to collect, re-
 6 ceive or disburse money for any such purpose. All money collected or received
 7 by any political committee or by any of its members for election expenses shall
 8 be paid over and made to pass through the hands of the treasurer of such commit-
 9 tee, and shall be disbursed by him; and it shall be unlawful for any political com-
 10 mittee or any of its members to disburse any money for election expenses, un-
 11 less such money shall have passed through the hands of the treasurer.

Sec. 3. Every treasurer of a political committee, as defined in this Act, and
 2 every person who shall act as such treasurer, shall, within not less than seven
 3 days nor more than fifteen days before such election and again within thirty days
 4 after each and every election, whether state, county, city, municipal, township or
 5 district election, in or concerning or in connection with which he shall have re-
 6 ceived or disbursed any money for any of the objects or purposes mentioned in
 7 this Act, prepare and file in the office of the county clerk of the county in which
 8 such treasurer resides, and copies thereof with the State's Attorney of such
 9 county, and with the State Auditor of Public Accounts respectively, a full, true
 10 and detailed account and statement, subscribed and sworn to by him before an
 11 officer authorized to administer oaths, setting forth each and every sum of money
 12 received or disbursed by him for any of the objects or purposes mentioned in this

13 Act, the date of each receipt and each disbursement, the name of the person
14 from whom received or to whom paid, and the object or purpose for which the
15 same was received, and the person to whom and object or purpose for which dis-
16 bursed.

17 Such statements shall also set forth the unpaid debts and obligations, if any,
18 of such committee, with the nature and amount of each, and to whom owing, in
19 detail, and if there are no unpaid debts or obligations of such committee, such
20 statement shall state such fact. The statement filed before such election shall in-
21 clude all receipts and disbursements made up to five days before the filing thereof.

Sec. 4. Every treasurer of a political committee, as defined in this Act, who
2 shall wilfully fail, neglect or refuse to make out, verify and file the statements
3 required by this Act, shall be guilty of a misdemeanor, and upon conviction shall
4 be fined not more than one hundred dollars, or imprisoned not more than three
5 months.

Sec. 5. The Secretary of State shall, at the expense of the State, furnish to
2 the county clerk, and to the city and town clerks, copies of this Act as a part of
3 the election laws. In the filing of a nominating petition or certificate of nomina-
4 tion, the Secretary of State, in the case of State and district offices for districts
5 composed of one or more counties, and county clerks for county offices, and the
6 city and town clerks for municipal offices, shall transmit to the several candidates
7 and to the treasurer of political committees, and to political agents so far as they
8 may be known to such officer, copies of this Act, and also to any other person re-
9 quired to file a statement such copies shall be furnished upon application there-
10 for. Upon his own information, or at the written request of any voter, said Sec-
11 retary of State shall transmit to any other person believed by him or averred to
12 be a candidate, or who may otherwise be required to make a statement, a copy of
13 this Act.

Sec. 6. No person who is not a candidate, or the treasurer of a political
 2 committee, shall pay, give or lend, or agree to pay, give or lend, any money or
 3 other valuable thing, whether contributed by himself or by any other person,
 4 for any election expenses whatever, except to a candidate or to a political com-
 5 mittee; and no officer of any corporation, whether incorporated under the laws
 6 of this or any other State or any foreign country, except corporations formed
 7 for political purposes, shall pay, give or lend, or authorize to be paid, given or
 8 lent, any money or other valuable thing belonging to such corporation to any can-
 9 didate or to any political committee, for the payment of any election expenses
 10 whatever.

Sec. 7. No candidate and no treasurer of any political committee shall pay,
 2 give or lend, or agree to pay, give or lend, either directly or indirectly, any
 3 money or other valuable thing for any nomination or election expenses what-
 4 ever, except for the following purposes:

5 First: For printing and traveling expenses and personal expenses incident
 6 thereto, stationery, advertising, postage, expressage, freight, telegraph, tele-
 7 phone and public messenger services.

8 Second: For dissemination of information to the public.

9 Third: For political meetings, demonstrations and conventions, and for the
 10 pay and transportation of speakers.

11 Fourth: For the rent, maintenance and furnishing of offices.

12 Fifth: For the payment of clerks, typewriters, stenographers, janitors and
 13 messengers actually employed.

14 Sixth: For the employment of watchers at primary meetings and elections
 15 to the number allowed by law.

16 Seventh: For the payment of public speakers and musicians at public meet-
 17 ings and their necessary traveling expenses.

18 Eighth: For copying and classifying of election registers or poll lists and

19 investigating the right to vote of the persons listed or registered therein, and
 20 conducting proceedings to purge the register and lists and prevent improper
 21 or unlawful registration or voting.

22 Ninth: For making canvasses of voters.

23 Tenth: For conveying infirm or disabled voters to and from the polls.

24 Eleventh: For employing as counsel, attorneys licensed to practice in ac-
 25 cordance with the laws of the State, and for the necessary expenses of such
 26 counsel.

27 None of the provisions of this Act shall be construed as relating to the
 28 rendering of services by speakers, writers, publishers, or others, for which no
 29 compensation is asked or given.

Sec. 8. Every person who shall be a candidate before any caucus or conven-
 2 tion, or at any primary election, or at any election for any State, county, city,
 3 township, district or municipal office, or for senator or representative in the Gen-
 4 eral Assembly of Illinois, or for presidential elector to elect a President of the
 5 United States, senator or representative in the Congress of the United States,
 6 shall, within not less than twenty days nor more than twenty-five days before such
 7 election, and again within thirty days after the election held to fill such office or
 8 place, make out and file with the Secretary of State, if a candidate for senator of
 9 the United States, representative in Congress, presidential elector, or for any
 10 State office or district office in a district not within one county, or for State
 11 senator or representative in the General Assembly from a district not within
 12 one county, but with the county clerk for legislative or senatorial districts com-
 13 posed of not more than one county, and for county, district and township offices,
 14 and with the town clerk or city clerk of the town or city in which he resides, if he
 15 is a candidate for a town or city or ward office, and copies thereof with the State's
 16 Attorney for the county in which said candidate resides and with the State
 17 Auditor of Public Accounts, respectively, an itemized statement in writing, which
 18 statement shall be subscribed and sworn to by such candidate before any officer

19 authorized to administer oaths, upon the blank form therefor provided by the
20 supervisors provided for by this Act setting forth in detail, with accurate items
21 of dates, persons and amounts, all sums of money, services and things of value
22 received, contributed, disbursed, expended or promised by him, and of all moneys
23 borrowed by him or loaned and advanced to him, and debts and pecuniary obliga-
24 tions of every kind incurred by him, and to the best of his knowledge and belief
25 by any other person or persons in his behalf, wholly or in part, in endeavoring
26 to secure, or in any way in connection with, his nomination or election to such
27 office or place, or in connection with the election of any other persons at said
28 election, and showing the dates when and the persons from whom the same were
29 received and the purpose or object for which the same were received and the
30 persons to whom and the purpose for which all such sums were paid, expended or
31 promised, and including therein a statement of all personal expenses authorized
32 by this Act, and all existing debts and unfulfilled promises of every character
33 and all liabilities remaining uncanceled, unperformed and in force at the time
34 such statement is made, whether such expenditures, debts, promises and liabili-
35 ties were made or incurred before, during or after such election. Such statement
36 shall also set forth that the same is as full and explicit as affiant is able to make
37 it. The statement filed before such election shall include all receipts and dis-
38 bursements made up to five days before the filing thereof.

39 If no money or other valuable thing was given, paid, expended, contributed
40 or promised, and no unfulfilled liabilities were incurred by a candidate for public
41 office to aid or promote his nomination or election or the election of his party can-
42 didates, he shall file a statement to that effect within fifteen days after the elec-
43 tion at which he was a candidate.

44 Every such account shall be accompanied by vouchers for all sums expended
45 exceeding ten dollars in amount. It shall be unlawful for any candidate, or
46 treasurer of a political committee, or person acting as such treasurer, to disburse
47 money received from any anonymous source.

Sec. 9. It shall be unlawful to administer the oath of office or to issue a commission or certificate of election to any person elected to any public office until he has filed an account as required by this Act, and no such person shall enter upon the duties of his office until he has filed such account, nor shall he receive any salary for any period prior to the filing of the same.

Sec. 10. All such accounts shall be open to public inspection in the offices where they are filed and shall be carefully preserved there for a period of one year, and it shall be the duty of the officers having custody of the same to give certified copies in like manner as of other public records.

Sec. 11. Within twenty days after the last day for the filing of any account required by this Act, any ten electors of the State, or of the political division thereof concerning which any such account has been filed, may present a petition to the county court of the county in which the office where such account has been filed is situated, praying for an audit of such account. The court shall thereupon direct the officer or officers with whom such account has been filed to certify the same to the court for audit, and may, in its discretion, require security to be entered for costs. The court may, in its discretion, appoint an auditor to audit said account; but the fees of such auditor shall not exceed the sum of ten dollars a day for each day actually engaged. The court or auditor shall fix a date, as early as may be convenient, for the audit; at which time the person by whom such account has been filed shall be required to be present in person to vouch his account and answer on oath or affirmation all such relevant questions concerning the same as may be put to him by the petitioners or their counsel. The auditor shall have power to administer oaths and issue subpoenas to all persons whom the petitioner or the accountant may require to give evidence, and compel the production of books, papers and documents concerning such account, and he shall determine, subject to exception, all questions as to the admissibility of evidence, and shall file a copy of the evidence with his report. If, upon the audit, the court

20 shall decide that the account was false in any substantial manner, or that any
21 illegal election expenses were incurred, the costs of said audit shall be paid by
22 the accountant; but otherwise by the petitioners.

Sec. 12. The several officers with whom statements are required to be filed
2 shall inspect all statements of accounts and expenses relating to nominations and
3 elections filed with them within ten days after the same are filed; and if upon ex-
4 amination of the official ballot it appears that any person has failed to file a state-
5 ment as required by law, or if it appears to any such officer that the statement
6 filed with him does not conform to law, or upon complaint in writing by a candi-
7 date or by a voter that a statement filed does not conform to law or to the truth,
8 or that any person has failed to file a statement which he is by law required to
9 file, said officer shall forthwith in writing notify the delinquent person thereof
10 and further notify him to comply with this Act. The State Board of Super-
11 visors appointed under this Act shall also have power to make such inspections
12 and so notify delinquents.

Sec. 13. Upon the failure of any person to file a statement within ten days
2 after receiving notice as provided therefor by this Act, or if any statement filed
3 as in this Act required discloses any violation of any provision of this Act, the
4 State Auditor of Public Accounts, the county clerk, or the city clerk, as the
5 case may be, shall forthwith notify the State's Attorney of the county where
6 said violation occurred and shall furnish him with copies of all papers relating
7 thereto, and said State's Attorney shall forthwith enter the same in a docket
8 kept for that purpose in his office within sixty days thereafter examine every
9 such case, and if the evidence seems to him to be sufficient under the provisions
10 of this Act he shall, in the name of the State, forthwith institute such civil or
11 criminal proceedings as may be appropriate to the facts.

12 Any decision by the State's Attorney not to institute proceedings shall be
13 recorded in the said docket and the applicant notified in writing thereof. If the

14 State's Attorney shall decide not to institute such proceeding, any fifty voters
 15 may file a petition with the Circuit Court in and for the county setting forth
 16 the facts and praying the appointment of a special State's Attorney to institute
 17 such civil or criminal proceedings as may be appropriate; which petition shall
 18 be informally and promptly heard by the court, and if the court shall find that
 19 the public good will be served thereby he shall appoint a special State's Attor-
 20 ney, who shall have exclusive charge of the matter and institute such civil or
 21 criminal proceedings as he may deem appropriate and conduct the same to final
 22 disposition. No voluntary discontinuance shall be made of proceedings so in-
 23 stituted. The court may in its discretion require the voters on whose petition
 24 such appointment is made to give bond with sufficient sureties for the payment
 25 of the taxable costs of such proceeding. The compensation of such special
 26 State's Attorney shall be fixed by the court and shall constitute a debt against
 27 the county; but the court may, in its discretion in cases where such proceedings
 28 are defeated, cause the said compensation to be taxed as costs against the peti-
 29 tioning voters.

30 In all cases in which complaint or charge is made concerning candidates for
 31 the office of State's Attorney the court shall have power to appoint such special
 32 State's Attorneys.

Sec. 14. The decision of the court upon the audit herein provided for
 2 shall be subject to appeal; but if the court shall decide that any candidate who
 3 has been elected has incurred any illegal election expenses, or has consented to
 4 the incurring of any illegal election expenses by any person or committee, the
 5 court shall certify its decision to the Attorney General, if a candidate for a
 6 State office, for an office in a district of more than one county, or for a member
 7 of the General Assembly, or to the State's Attorney in the county, if a candi-
 8 date for an office in a county, city, village, incorporated town, ward or precinct,
 9 who shall thereupon cause a writ of quo warranto to be issued; and if, upon
 10 proceedings under such writ of quo warranto, it shall be decided that the
 11 candidate in question has incurred any illegal election expenses, or has con-

12 sented to the incurring of illegal election expenses by any person or committee,
 13 his election shall be declared void and his office vacant: *Provided*, that in the
 14 case of candidates elected to the office of Senator or Representative in the Gen-
 15 eral Assembly, the decision of the court shall be certified to the President of
 16 the Senate or to the Speaker of the House of Representatives, as the case may
 17 be: And, *provided further*, that in the case of any candidate elected to the office
 18 of Senator or of member of the House of Representatives of the United States,
 19 the decision of the court shall be certified to the Governor, who shall transmit
 20 the same to the Senate of the United States or the Speaker of the said House
 21 of Representatives, as the case may be.

Sec. 15. If the court shall decide, upon the audit, that any person, whether
 2 a candidate or not, has incurred illegal election expenses, or has otherwise vio-
 3 lated any of the provisions of this Act, after having certified its decision to the
 4 Attorney General or the State's Attorney as provided in the preceding section,
 5 and it shall thereupon also be the duty of such Attorney General or State's At-
 6 torney to institute criminal proceedings against such person.

7 Any candidate for nomination at any primary election may contest the right
 8 of any other person to the nomination on the ground that at such primary elec-
 9 tion violations of the provisions of this Act were committed or occurred by or on
 10 behalf of the person whose nomination is contested.

Sec. 16. No person shall be excused from answering any question, in any
 2 proceedings under this Act, on the ground that such answer would tend to in-
 3 criminate him; but no such answer shall be used as evidence against such person
 4 in any criminal action or prosecution whatever except in an action for perjury
 5 in giving such testimony.

Sec. 17. If, upon the trial of any action or proceeding for the contesting
 2 of the right of any person declared to be nominated to an office, or elected to an
 3 office, or to annul and set aside such nomination or election, or to remove any per-

son from his office, it shall be determined that such person was guilty of any violation of this Act in or about such nomination or election, or that any violation of this Act was committed in his behalf in or about such nomination or election, he shall be deprived of the nomination or office, as the case may be, and the court shall forthwith enter its decree ousting and excluding him from such nomination or office and in favor of the State or the plaintiff, as the case may be, subject to the provisions of the next succeeding section, and for the costs of the proceeding, and the vacancy in such nomination or office shall thereupon be filled in the manner provided by law. But if none of the charges set forth in the petition be sustained, decree shall be rendered against the petitioner and his sureties for the costs of the proceeding, including the reasonable attorney's fees of the defendant. Such judgment shall not prevent the candidate or officer so ousted from being proceeded against by indictment or criminal proceeding for any such act or acts.

Sec. 18. In any case, if decree of ouster against the defendant shall be rendered as provided in the preceding section of this Act, said decree shall award such nomination or office to the person otherwise found entitled thereto, unless it shall be further determined in such action, upon appropriate pleading and proof, that some act has been done or committed by him or in his behalf which would have been ground in a similar action against any person who may have been declared nominated or elected to such office, for a decree of ouster against him; and if it shall be so determined at the trial, such office shall be in the decree declared vacant, and shall thereupon be filled by appointment, or a new election, as may be provided by law regarding such office.

Sec. 19. If any State's Attorney shall be notified by the Attorney General as herein provided, or by any officer or officers or other person of the commission of any offense by violation of any of the provisions of this Act within his jurisdiction, it shall be his duty forthwith to enter the same upon a docket kept in his office for that purpose, and to inquire diligently into the facts of such violation,

6 and if there is reasonable ground for instituting a prosecution it shall be the
7 duty of such State's Attorney to institute prosecution therefor.

8 In all cases in which the State's Attorney shall decide that there is not rea-
9 sonable ground for instituting a prosecution, or that the evidence does not seem
10 to him sufficient under the provisions of this Act, he shall record such decision in
11 writing in such docket and notify the applicant thereof in writing. In all cases
12 in which the State's Attorney shall so decide that there is not reasonable ground,
13 or that the evidence does not seem to him to be sufficient, a Special State's At-
14 torney may be appointed by the Circuit Court upon the petition of fifty voters re-
15 questing the same. Such petition by fifty voters must be presented within thirty
16 days after the recording of such decision. The court shall require the voters on
17 whose petition such appointment is made to give bond with sufficient sureties for
18 the payment of the taxable costs of such proceeding. The compensation of such
19 Special State's Attorney shall be fixed by the court and shall constitute a debt
20 against the county; but the court in its discretion may, in cases where such pro-
21 ceedings are defeated, cause the said compensation to be taxed as costs against
22 the petitioning voters. In all cases in which charges are made concerning the of-
23 fice of State's Attorney the court shall have power to appoint such special
24 State's Attorneys.

Sec. 20. The supervisors of the returns herein provided for shall, at the
2 expense of the State, furnish to the proper county, city, village or town clerks
3 blanks in the form approved by the Secretary of State and Attorney General,
4 suitable for the statements hereinbefore required. On the receipt by the Secre-
5 tary of State of the list of candidates for public offices, before a caucus or pri-
6 mary, or upon the filing of a nomination, such officers shall transmit to the can-
7 didate or candidates put in nomination, or at said primaries, and to the treas-
8 urers of political committees, the blanks above described. Upon the filing of a
9 nomination for a state or national election, the supervisors of returns shall trans-
10 mit to the candidate or candidates put in nomination and to the treasurer of the

11 political committees, the blanks above described. To any person required to file a
12 statement, such blank shall be furnished upon application therefor. In cities
13 which have a Board of Election Commissioners, such Commissioners shall receive
14 and distribute such blanks.

Sec. 21. Any person who shall incur any illegal election expenses, or other-
2 wise violate any of the provisions of this Act, shall be guilty of a misdemeanor;
3 and upon conviction thereof shall be punished by a fine of not less than fifty dol-
4 lars or more than one thousand dollars, or by imprisonment for not less than one
5 month or more than two years, either or both, at the discretion of the court.

Sec. 22. No person shall make a payment of his own money or of another
2 person's money to any other person in connection with a nomination or election
3 in any other name than that of the person who in truth supplies such money;
4 nor shall any person knowingly receive such payment or enter or cause the same
5 to be entered in his accounts or records in another name than that of the person
6 by whom it was actually furnished: *Provided*, if the money be received from
7 the treasurer of any political committee it shall be sufficient to enter the same
8 as received from said treasurer. Any person violating the provisions of this sec-
9 tion shall be guilty of a misdemeanor.

Sec. 23. No person shall, in order to aid or promote his nomination or
2 election, directly or indirectly, himself or through any other person, promise to
3 appoint another person, or promise to secure or aid in securing the appointment,
4 nomination or election of another person to any public or private position or em-
5 ployment, or to any position of honor, trust or emolument, except that he may
6 publicly announce or define what is his choice or purpose in relation to any elec-
7 tion in which he may be called to take part, if elected, and if he is a candidate for
8 nomination or election as a member of the General Assembly he may pledge
9 himself to vote for the people's choice for United States Senator, or state what
10 his action will be on such vote. Any person violating the provisions of this sec-
11 tion shall be guilty of a misdemeanor.

Sec. 24. It shall be unlawful for any person, being a candidate for nomination to any office under the laws of this State, to loan, pay or give, or promise to loan, pay or give, any money or other thing of value to any delegate or other person for the purpose of securing or influencing the vote of such person so entitled to vote at any party caucus or convention, or to any person having a right to vote at such party caucus or convention, or of such delegate, or other person, in aid of the nomination of such candidate for the office for which he is a candidate, or in aid of the election of any delegate to any nominating convention before which he may be a candidate; and it shall be unlawful for any person to pay, give, loan or promise any money or other thing of value, on behalf of another, to secure or influence the vote, services or influence of any person to aid in the nomination of any person to any office, or in the selection of delegates to a nominating convention, or to secure or influence the vote, services or influence of any person to defeat the nomination of any candidate for nomination.

Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Sec. 25. Every person who, knowing that he is not entitled to vote, or who applies for a ballot or votes or attempts to vote in the name of another person, whether it be that of a person living or dead, or of a fictitious person, votes or offers or attempts to vote at any election, party caucus or primary election held by any political party; or being entitled to vote, votes or offers or attempts to vote more than once at any election, party caucus or primary election, shall be deemed guilty of a misdemeanor.

Sec. 26. Every person who procures, aids or advises another to vote, or to offer or attempt to vote at any election, party caucus or primary election, knowing that such person is not qualified to vote at such election, party caucus or primary election; or who knowingly procures, aids or advises another to vote or to offer or attempt to vote more than once at any election, party caucus or primary election, shall be deemed guilty of a misdemeanor.

Sec. 27. Under the two preceding sections an offer or attempt to vote at an
2 election, caucus or primary election shall be deemed to be the doing of any act
3 made necessary by the election law or primary election law preliminary to the
4 delivery of a ballot to an elector or the deposit of a ballot in the ballot box.

Sec. 28. Every person who procures, aids or advises another to go or
2 come into any election precinct or district for the purpose of voting or attempt-
3 ing to vote therein at any party caucus, election or primary election, knowing
4 that such person is not qualified to vote in such precinct or district, shall be
5 deemed guilty of a misdemeanor.

Sec. 29. Every person who knowingly causes or attempts to cause, procures
2 or attempts to procure, or allows his name to be placed upon any list or register
3 of voters in any election precinct or district, knowing that he will not be a qual-
4 ified voter in such election precinct or district at the election for which such list
5 or register was made or used; or who knowingly causes or attempts to cause,
6 procures, or attempts to procure, or allows his name to be placed upon any list
7 or register of voters in more than one election precinct or district for the same
8 election, or more than once in the same election precinct or district for the same
9 election; or who knowingly procures, aids or advises another to commit any of
10 the acts named in this section, shall be deemed guilty of a misdemeanor.

Sec. 30. Every person who adds or attempts to add, or aids or abets another
2 or to add or attempt to add, any ballot to the ballots polled at any election, party
3 caucus or primary election, before, during or after the counting of the ballots,
4 with the attempt or design or intent to change the result of the election, party
5 caucus or primary election; or who carries away, alters or destroys, or attempts
6 to carry away, alter or destroy, or aids or abets another to carry away, alter or
7 destroy, or to attempt to carry away, alter or destroy any poll list, ballot or bal-
8 lot box for the purpose of affecting the result of such election, party caucus or
9 primary election, or who wilfully detains, mutilates or destroys any election re-
10 turns, or in any manner so interferes with the officers holding or conducting such

11 election, party caucus or primary election, or with the voters lawfully exercising
12 their right of voting at such election, party caucus or primary election, as to
13 prevent such election, party caucus or primary election from being fairly held
14 and lawfully conducted, shall be deemed guilty of a felony.

Sec. 31. Every judge or clerk of election or primary election, or officer or
2 teller of a party caucus who, previous to putting the ballot of an elector in the
3 ballot box, attempts to find out the name of any candidate on such ballot, or who
4 opens or suffers the folded ballot of any elector which has been handed in to be
5 opened or examined previous to putting the same in the ballot box, or who
6 makes or places any mark or device on any folded ballot with the intent of as-
7 certaining the name of any candidate for whom the elector has voted or intends to
8 vote, or who wilfully or corruptly discloses or reveals the name of any person
9 for whom the elector voted, shall be deemed guilty of a misdemeanor. Every
10 person who aids or abets in the commission of any of the offenses mentioned in
11 this section shall also be deemed guilty of a misdemeanor.

Sec. 32. Every person who forges or counterfeits returns of an election
2 precinct or district where no election, party caucus or primary election was in
3 fact held, or who wilfully substitutes, forges or counterfeits returns of an
4 election, party caucus or primary election in place of the true returns for an
5 election precinct or district where an election, party caucus or primary election
6 was actually held, shall be deemed guilty of a felony. Every person who aids or
7 abets in the commission of any of the offenses mentioned in this section shall also
8 be deemed guilty of a felony.

Sec. 33. Every person who in any returns wilfully adds to or subtracts
2 from the number of votes actually cast at an election, party caucus or primary
3 election, or in any manner alters such returns, shall be deemed guilty of a fel-
4 ony. Every person who aids or abets in the commission of any of the offenses
5 mentioned in this section shall also be deemed guilty of a felony.

Sec. 34. Every person who, by force, threats, menace or duress, abduction
 2 or by any fraudulent or corrupt means, either directly or indirectly, by himself
 3 or any other person on his behalf, influences or attempts to influence any elector
 4 in giving his vote, or to deter him from attending at any election, party caucus
 5 or primary election, or from giving his vote, or who, by any means whatever,
 6 awes, restrains, hinders or disturbs, or attempts to awe, restrain, hinder or dis-
 7 turb any elector in the exercise of the rights of suffrage, or in any manner prac-
 8 tices intimidation upon or against any person, in order to induce or compel
 9 such person to vote or refrain from voting at any election, party caucus or pri-
 10 mary election, or vote or refrain from voting for any particular person or per-
 11 sons, measure or measures, at any election, party caucus or primary election, or
 12 on account of such person having voted or refrained from voting at any elec-
 13 tion, party caucus or primary election, or having voted or refrained from vot-
 14 ing for any particular person or persons, measure or measures, at any election,
 15 party caucus or primary election; or who furnishes any elector with a ticket or
 16 ballot, informing or giving him to understand that it contains a name different
 17 from that which appears thereon, with intent to induce him to vote contrary to
 18 his inclinations, or who defrauds or attempts to defraud any elector at any elec-
 19 tion, party caucus or primary election by deceiving or causing him to vote for a
 20 different person for any office than he intended; or who changes or attempts to
 21 change the ballot of an elector, with the intent to deprive him of voting for such
 22 person as he intended; or who, being judge or clerk of an election or primary
 23 election, or officer or teller of a party caucus, while acting as such, induces or
 24 attempts to induce any elector, either by menace or reward or promise thereof,
 25 to vote differently from what such elector intended to vote, shall be deemed guilty
 26 of a felony.

Sec. 35. It shall be unlawful for any employer, either corporation, asso-
 2 ciation, company, firm or person, in paying the salary or wages of any of its,
 3 their or his employees, to enclose their pay in "pay envelopes" upon which there
 4 is written or printed any political notice, device or argument, containing any

5 threat, expressed or implied, intended or calculated to influence the political
 6 opinion, views or actions of such employees so paid. Nor shall it be lawful for
 7 any employer, either corporation, association, company, firm or person, within
 8 ninety days of any election or primary election provided by law, to put up or
 9 otherwise exhibit in its, their or his factory, workshop, mine, mill, boarding
 10 house, office or other establishment or place where its, their, or his employees
 11 may be working or be present in the course of such employment, any hand bill,
 12 notice or placard containing any threat, notice or information that in case any
 13 particular ticket or candidate shall be elected, work in its, their or his place or
 14 establishment will cease, in whole or in part, or its, their or his establishment
 15 will be closed, or the wages or its, their or his workmen will be reduced; or any
 16 other threats, express or implied, intended or calculated to influence the politi-
 17 cal opinion or action of its, their or his employees. Any person or persons vio-
 18 lating any of the provisions of this section, whether acting in his individual ca-
 19 pacity or as an officer or agent of any corporation, shall be deemed guilty of a
 20 misdemeanor.

Sec. 36. Every person who corruptly induces or attempts to induce any
 2 other person to be or refrain from being a candidate or to withdraw from being
 3 a candidate at any election, party caucus or primary election, in consideration of
 4 any payment or promise, shall be deemed guilty of a misdemeanor. Every per-
 5 son withdrawing in pursuance to such inducement shall also be deemed guilty
 6 of a misdemeanor.

Sec. 37. No person and no political committee shall demand, solicit, ask or
 2 invite any payment or contribution or promise of payment for any political,
 3 charitable or other cause or organization which is or which purports or is rep-
 4 resented to primarily or principally for the public good from a person who seeks
 5 to be or has been nominated or elected to any office; and no such candidate or
 6 elected person shall make any such payment or contribution if it shall be de-
 7 manded, solicited, asked or invited during the time he is a candidate for nomina-

tion or election to or an incumbent of any office. No payment or contribution for any purpose shall be made a condition precedent to the putting of a name on any caucus or convention ballot or nominating paper or petition, or to the performance of any duty imposed by law on a political committee. No person shall demand, solicit, ask or invite any candidate to subscribe to the support of any club or organization, to buy tickets to or privileges or any interest in any entertainment, ball, or plan, scheme or enterprise, or to subscribe for or pay for space in any book, program, periodical or other publication; if any candidate shall make any such payment or contribution with apparent hope or intent to influence the result of the election, he shall be guilty of a corrupt practice: *Provided*, that this section shall not apply to the soliciting of any business advertisement for insertion in a periodical in which such candidate was regularly advertising prior to his candidacy nor to ordinary business advertising nor to his regular payment to any organization, religious, charitable or otherwise of which he may have been a member, or to which he may have been a contributor, for more than six months before his candidacy, nor to ordinary contributions at church services.

Sec. 38. No publisher of a newspaper or other periodical shall insert, either in its advertising or reading columns, any paid matter which is designed to aid, injure or defeat any candidate or political party or organization, or measure before the people, unless it is stated therein that it is a paid advertisement.

Sec. 39. It shall be unlawful to write, print or circulate through the mails or otherwise any letter, circular, bill, placard, or poster relating to any election or to any candidate at any election, unless the same shall bear on its face the name and address of the author, and of the printer and publisher thereof; and any person writing, printing, publishing, circulating, posting or causing to be written, printed, circulated, posted or published any such letter, bill, placard, circular or poster as aforesaid, which fails to bear on its face the name and

8 address of the author and of the printer or publisher shall, on conviction there-
9 of, be punished by fine of not less than ten dollars nor more than one thousand
10 dollars.

Sec. 40. If any letter, circular, poster, bill, publication or placard shall con-
2 tain any false statement or charges reflecting on any candidate's character, mor-
3 ality or integrity, the author thereof and every person printing or knowingly as-
4 sisting in the circulation thereof shall, upon conviction thereof, be punished by
5 imprisonment in the penitentiary for not less than one nor more than three
6 years.

Sec. 41. Every person who by himself or by any other person before or
2 during any election, party caucus or primary election, directly or indirectly, with
3 the intent to promote or defeat the election of himself or any other person, or
4 any measure, gives or provides or pays, wholly or in part, the expense of giving
5 or providing any meat, drink, entertainment, provision, clothing or tobacco,
6 to or for any person for the purpose of influencing that person or any other per-
7 son to give or refrain from giving his vote at the election, party caucus or pri-
8 mary election, or to give or refrain from giving his vote for any particular per-
9 son or persons, measure or measures, at the election, party caucus or primary
10 election, shall be deemed guilty of a misdemeanor. Every person who shall cor-
11 ruptly accept or take such meat, drink, or entertainment for the purpose of be-
12 ing influenced as provided herein, shall be deemed guilty of a misdemeanor.

Sec. 42. No saloon or bar room or other place where spirituous, malt, vinous
2 or other intoxicating liquor is sold or given away, or any adjoining room or
3 place having direct connection or communication therewith, shall be used for
4 any meeting or other purpose intended to promote the election of a candidate
5 at any election, or the nomination of any candidate, and any person who hires
6 or uses any such premises or any part thereof, in contravention of this section,
7 and any person letting or permitting the use of any such premises, or any part

8 thereof, knowing that the same was intended to be used in contravention of this
9 section, shall be deemed guilty of a misdemeanor.

Sec. 43. Every person who, in order to induce any voter to vote or refrain
2 from voting at any election, party caucus or primary election, or to vote or re-
3 frain from voting for any particular person or persons, measure or measures, at
4 any election, party caucus or primary election, or in consideration of any voter
5 voting or refraining for voting at any election, party caucus or primary elec-
6 tion, or voting or refraining from voting for any particular person or persons,
7 measure or measures, at any election, party caucus or primary election, or in or-
8 der to induce any person or procure or endeavor to procure any voter to vote or
9 refrain from voting at any election, party caucus or primary election, or to vote
10 or refrain from voting for any particular person or persons, measure or meas-
11 ures at any election, party caucus or primary election, shall, directly or indirect-
12 ly, by himself or by any other person on his behalf, give, lend or agree to give or
13 lend, or offer, promise, or promise to procure or endeavor to procure any money
14 or other thing of value to or for any voter, or to or for any person on behalf of
15 any voter; and every person who shall, directly or indirectly, by himself or by
16 any other person on his behalf, give or procure, or agree to give or procure, or
17 offer, promise or promise to procure, or endeavor to procure, any office, place or
18 employment, to or for any other person, in order to induce any voter to vote or
19 refrain from voting at any election, party caucus or primary election, or to vote
20 or refrain from voting for any particular person or persons, measure or meas-
21 ures, at any election, or in order to induce any person to procure or endeavor
22 to procure any voter to vote or refrain from voting at any election, party cau-
23 cus or primary election, or to vote or refrain from voting for any particular
24 person or persons, measure or measures, at any election, party caucus or pri-
25 mary election; and every person who shall, in consequence of any such gift,
26 loan, offer, promise, procurement or agreement, procure or engage or promise or
27 endeavor to procure any voter to vote or refrain from voting at any election,

28 party caucus or primary election, or to vote or refrain from voting for any par-
29 ticular person or persons, measure or measures, at any election, party caucus
30 or primary election; and every person who shall advance or pay, or cause to be
31 paid, any money to, or to the use of, any other person, with the intent that such
32 money or any part thereof shall be expended in bribery at any election, party
33 caucus or primary election; and every person who shall, before or during any
34 election, party caucus or primary election, directly or indirectly, by himself or
35 by any other person on his behalf, receive, subscribe or contract for any money
36 gift, loan, place of employment or other valuable consideration for himself or
37 for any other person for voting or agreeing to vote at any election, party caucus
38 or primary election, or for voting or agreeing to vote for any particular person
39 or persons, measure or measures, at any election, party caucus or primary elec-
40 tion, or for refraining or agreeing to refrain from voting at any election, party
41 caucus or primary election, or for refraining or agreeing to refrain from voting
42 for any particular person or persons, measure or measures at any election, party
43 caucus or primary election; and every person who shall, after any election,
44 party caucus or primary election, directly or indirectly, by himself or by any other
45 person on his behalf, receive any money or thing of value on account of himself
46 or any other person having voted or agreed to vote at any election, party caucus
47 or primary election, or having voted or agreed to vote for any particular person
48 or persons, measure or measures, at any election, party caucus or primary elec-
49 tion, or having refrained or agreed to refrain from voting at any election, party
50 caucus or primary election, or having refrained or agreed to refrain from vot-
51 ing for any particular person or persons, measure or measures, at any election,
52 party caucus or primary election, or on account of himself or any other person,
53 having induced any person to vote, or agree to vote, at any election, party
54 caucus or primary election, or to vote or agree to vote for any particular per-
55 son or persons, measure or measures, at any election, party caucus or primary
56 election, or to refrain or agree to refrain from voting at any election, party cau-
57 cus or primary election, or to refrain or agree to refrain from voting for any par-

58 ticular person or persons, measure or measures, at any election, party caucus or
 59 primary election, shall be deemed guilty of a felony.

60 The provisions of this section shall apply to and affect any member of a
 61 council board, or any other public body entitled to vote at any meeting of such
 62 council, board or public body; and any of said acts of bribery, if committed
 63 thereat or in connection therewith, shall in like manner constitute a felony.

Sec. 44. Any officer or employee of the State or of any of its institutions, or
 2 of a political subdivision of this State, who shall, directly or indirectly, orally or
 3 by letter, solicit or be in any manner concerned in soliciting any assessment or
 4 contribution to any political party or for any political purpose; or who shall,
 5 directly or indirectly, give, pay or hand over to any other officer or employee of
 6 the State, or a political subdivision thereof, or any other person, any assessment
 7 or contribution to any political party or for any political purpose;

8 Or any person who, in any room or building occupied for the discharge of
 9 official duties by any officer or employee of the State or of a political subdivision
 10 thereof, shall, directly or indirectly, orally or by written communication deliver-
 11 ed therein, or in any other manner solicit, shall, directly or indirectly, receive
 12 any assessment, contribution of money or other thing of value for any political
 13 party or any political purpose whatever;

14 Or any officer or employee of the State, or of a political subdivision thereof,
 15 having charge of or control over any building, office or room occupied for any
 16 purpose of the State, or a political subdivision thereof, who shall permit any
 17 person to solicit therein any assessment or contribution to any political party
 18 or for any political purpose, or to deliver therein any written solicitation or
 19 communication of any kind for the purpose of obtaining or receiving or giving
 20 notice of any such assessment or contribution, shall be deemed guilty of a mis-
 21 demeanor.

Sec. 45. It shall be unlawful for any corporation, directly or indirectly,
 2 to offer, promise or give or authorize, directly or indirectly, any person to

3 offer, promise or give anything of value to influence the result of any election in
 4 this State, or the vote of any voter therein, or to reimburse or compensate in
 5 any manner whatever, any person who shall have offered, promised or given
 6 any money or other thing of value to influence the result of any election or the
 7 vote of any such voter. Such corporation, if organized under the laws of this
 8 State, shall be deemed guilty of a misdemeanor, and on conviction thereof, for
 9 the first offense be fined not less than one thousand (\$1,000) nor more than ten
 10 thousand (\$10,000) dollars, and upon conviction of any second or subsequent
 11 offense shall forfeit its charter and all rights, privileges and immunities there-
 12 under, and if chartered by another State and doing business in this State, either
 13 by license or upon mere sufferance, shall, upon conviction of either of the of-
 14 fenses aforesaid, forfeit all right to carry on any business in this State; and it
 15 shall be the duty of the Attorney General to enforce, or cause to be enforced, the
 16 provisions of this section.

Sec. 46. Every person who gives or offers a bribe to any officer or member
 2 of the General Assembly or of any legislative caucus, political convention, com-
 3 mittee, primary election, party caucus or political gathering of any kind, held
 4 for the purpose of nominating candidates for offices of honor, trust or profit in
 5 this State, with intent to influence the person to whom such bribe is given or
 6 offered, to be more favorable to one candidate than another; and every person,
 7 member of any of the bodies in this section mentioned, who receives or offers
 8 or receive, or solicit any such bribe shall be deemed guilty of a misdemeanor.

Sec. 47. Every candidate for United States Senator at an approaching ses-
 2 sion of the General Assembly of this State, and every person acting for or on
 3 behalf of any such candidate, who shall advance or give or loan, or promise to
 4 advance or give or loan any money or property, or promise to give or secure,
 5 or use his influence to secure, in any office, position or employment to or for
 6 any candidate for the General Assembly, before or after his nomination, or be-
 7 fore or after his election, or to or for any other person under an express or

8 implied promise that such candidate for the General Assembly (whether nomin-
 9 ated or not, or before or after his election) will support or vote for such candi-
 10 date for Senator in the Congress of the United States at an approaching ses-
 11 sion of the General Assembly of this State, shall be deemed guilty of a felony.
 12 The advancing, giving or loaning of money or property, or the promise to ad-
 13 vance, give or loan money or property to any candidate for the General Assem-
 14 bly or to any other person by any candidate for United States Senator as afore-
 15 said, shall be deemed *prima facie* proof of an express or implied agreement that
 16 such candidate for the General Assembly will, if elected to the General Assembly,
 17 vote for such candidate for United States Senator.

Sec. 48. Every member of the General Assembly and every person being a
 2 member-elect of the General Assembly of this State, and every person being a
 3 candidate for the General Assembly of this State, and every person being a can-
 4 didate for the nomination for the General Assembly of this State, who shall
 5 give or offer or promise, or who shall accept or solicit any money or property
 6 from any candidate for United States Senator at an approaching session of the
 7 General Assembly of this State, or from any other person acting for or on be-
 8 half of any such candidate, before or after his election, under an express or im-
 9 plied promise that such member-elect of the General Assembly or such candidate
 10 for the General Assembly or for nomination for the General Assembly will if
 11 elected as a member of the General Assembly, support or vote for any such can-
 12 didate for Senator in Congress of the United States for that office, shall be
 13 deemed guilty of a felony. The receipt of money or property by any member-
 14 elect of the General Assembly, or by any candidate for the General Assembly,
 15 or for nomination for the General Assembly from any candidate before the
 16 General Assembly for Senator in Congress of the United States at an approach-
 17 ing session of the General Assembly, as aforesaid, or from any person acting for
 18 or in behalf of any such candidate for United States Senator, shall be *prima*
 19 *facie* proof of an express or implied agreement that such member-elect of the
 20 General Assembly will vote for such candidate for United States Senator, as

21 aforesaid, and that such candidate for the General Assembly or for nomination
22 for the General Assembly will, if elected, vote for such candidate for United
23 States Senator.

Sec. 49. Every person guilty under this Act shall be incapable, during a
2 period of two years from the date of his conviction, of being registered as an elec-
3 tor or voting at any election held in this State; and every person guilty of a
4 felony under this Act, or convicted of a misdemeanor under this Act for a sec-
5 ond or subsequent offense under this Act, shall be incapable during a period of
6 five years from the date of his conviction of being registered as an elector or
7 voter at any election held in this State. If any person convicted under this Act
8 shall at the time of conviction and final judgment hold any office of profit or trust
9 under the laws of this State, he shall thereupon forfeit the same.

Sec. 50. Any candidate, and unless he notified the Secretary of State that
2 he refuses them permission, the friends of any candidate for nomination to any
3 state or district office, when the district is composed of more than one county,
4 may file with the Secretary of State, for publication as herein provided, not
5 later than the thirtieth day before the primary nominating election, with his
6 portrait cut if he wishes, a printed or typewritten statement or statements, on
7 the conditions hereinafter set forth, over his or their signatures, stating the
8 reasons why he should be nominated: *Provided*, that no candidate, nor his
9 friends, shall be allowed to file any such statements, unless his petition for nom-
10 ination is duly filed with the Secretary of State not later than the fortieth day
11 before said nominating election. Any person or persons opposing the nomina-
12 tion of any such candidate may, not later than the thirty-ninth day before said
13 nominating election, file with the Secretary of State their printed or typewritten
14 statements over their signatures, of the reasons why such candidate should not
15 be nominated, but every such statement shall be accompanied by proof, by affi-
16 davit or sheriff's return, that they have caused to be served personally and in
17 person upon such candidate a true copy of such statement. Each candidate shall

18 be allowed one page of printed matter and those opposing him shall each be al-
19 lowed one page of space on equal terms with him as hereinafter provided.
20 Nothing in this law shall be deemed to make any such statement or the authors
21 thereof free or exempt from any civil or criminal action or penalty, because of
22 any false, slanderous or libelous statements offered for printing or contained in
23 said pamphlet. The person or persons procuring, making, composing or offer-
24 ing such statement for filing shall be deemed the authors and publishers there-
25 of.

Sec. 51. Candidates for nomination shall pay for one page of space in the
2 publication herein provided for as follows: For the office of United States
3 Senator in Congress, one hundred dollars; for Representative in Congress, one
4 hundred dollars; for Justice of the Supreme Court, seventy-five dollars; for
5 Governor and other State offices, one hundred dollars; for Senator or Rep-
6 resentative in the General Assembly, ten dollars; for county offices, fifty dollars
7 each; for candidates for any other office for a district consisting of one or more
8 counties, or state office, twenty-five dollars. Any candidate may have addi-
9 tional space at the rate of one hundred dollars per page, but no payment shall be
10 received for less than a full page: Provided, that not more than two additional
11 pages shall be allowed to any one candidate. All payments required by this sec-
12 tion shall be made to the Secretary of State when the statement is offered to
13 him for filing, and be by him paid into the general fund in the state treasury:
14 Provided, that any payment made under this section shall be exclusive of expen-
15 ditures allowed under this Act.

Sec. 52. The filing of such statements for publication where the office to be
2 filled is a county office, shall be with the county clerk; where a city, village, town,
3 ward or precinct office, as the case may be, such statements shall be filed with
4 the city, village or town clerk, except in cities having a Board of Election Com-
5 missioners, same shall be filed with them and payments made to such officers at
6 the time, who shall transmit such statements and payments to the Secretary of

7 State not later than the twenty-fifth day before the primary nominating election,
8 together with a certificate of such filing.

Sec. 53. Not later than the twentieth day before the primary nominating
2 election, the Secretary of State shall hand to the State Printer all of such state-
3 ments and portrait cuts, properly compiled, edited, prepared and indexed for
4 printing; it shall be the State Printer's duty to print and bind the same in
5 pamphlet form, printing the pictures of candidates with and as a part of their
6 several statements, where such portrait cuts are offered; statements of those who
7 directly oppose any candidates shall follow next after his statement. All of the
8 statements filed for and against all the candidates for nomination to each office
9 shall be printed in the order in which candidates' names are grouped under the
10 title to their offices on the official ballot at the nominating election. In pre-
11 paring said pamphlets for printing the Secretary of State shall compile the
12 copy for the same in such form as to make it most convenient for the State
13 Printer to print and bind under one cover, separately for each political
14 party, the statements only of candidates to be voted for by members of that
15 party for nomination in the State, together with those in the same electoral dis-
16 trict or division; that is to say, the statements and arguments of all candidates
17 seeking republican votes in a county for nomination by the Republican party to
18 state and district offices, for a district comprising one county or more, shall be
19 printed and bound under one cover, and the same with the Democratic, and any
20 other party required to nominate its candidates at said nominating election. The
21 same method shall be applied in printing the pamphlets for all other counties and
22 districts, but no picture, statement or argument for or against any candidate for
23 nomination shall be included in the copy of said pamphlet going to any county
24 where such candidate is not to be voted for. The State Printer shall begin the
25 delivery of said pamphlets to the Secretary of State as quickly as possible, and
26 not later than the twelfth day before the nominating election, printing and deliv-
27 ering first so far as practicable the pamphlets for the counties in the order of

28 their distance from the state capital. At the time of delivering the copy to the
 29 State Printer, the Secretary of State shall order the number of copies he esti-
 30 mates will be necessary for each county.

Sec. 54. The several clerks or boards who keep the books of registration of
 2 voters, provided for by the laws of this State, shall on the seventeenth day pre-
 3 ceding the nominating election mail to the Secretary of State the name, postoffice
 4 address, and party registration of every voter registered at that time in their
 5 respective counties, cities, etc., as the case may be, and immediately on the close
 6 of registration for such nominating election and again at the close of registration
 7 for the general election, they shall deliver to the Secretary of State the postoffice
 8 address and party registration of every voter who registers during the said in-
 9 terval. At least eight days before the regular primary nominating election, the
 10 Secretary of State shall forward by mail to every voter who is registered as a
 11 member of one of the several political parties required to nominate their candi-
 12 date at such nominating election, a copy of the pamphlet of his political party
 13 containing the names of the candidates only to be voted for in the territory or
 14 district and statements herein provided for: Provided, that in cities, counties,
 15 towns or villages where no registration of electors has been made or had, a can-
 16 didate or political committee or party may obtain from the Secretary of State,
 17 upon application, a sufficient number of such pamphlets for distribution among
 18 the voters who vote in the particular territory or district applied for: And pro-
 19 vided further, that in such cases, upon satisfactory evidence with vouchers at-
 20 tached received from any such person or political party or committee, that the
 21 pamphlets provided for herein have been distributed through the mails by such
 22 person or political party or committee, the Secretary of State shall repay to the
 23 person, political party or committee the amount so expended or advanced in
 24 the distribution of such pamphlets through the mails.

25 The pages of the pamphlets required by this act shall be six by nine inches in
 26 size, and the printed matter therein shall be set in eight point Roman faced type,
 27 single leader, and twenty-five one pica in width, with proper heads. In the

28 foot margin of every page of the party pamphlets for nominating election shall
 29 be shown the authority for the information therein, as, "This information fur-
 30 nished by (name of candidate or name of his friends or opponents)", as the case
 31 may be. In the foot margin of every page of the pamphlet herein provided
 32 for the general election shall be shown the authority for the statements thereof,
 33 as, "This information furnished by (title of committee or managing agent of the
 34 political party or name of the independent candidate)", as the case may be.

Sec. 55. Not later than the thirtieth day before the regular general elec-
 2 tion the State executive committee or managing officers of any political party
 3 or organization having nominated candidates, but no others except independent
 4 candidates, may file with the Secretary of State portrait cuts of its candidates
 5 and typewritten statements and arguments for the success of its principles and
 6 the election of its candidates, and opposing or attacking the principles and can-
 7 didates of all other parties. Not later than the twenty-eighth day before said
 8 general election the Secretary of State shall deliver to the State Printer prop-
 9 erly compiled and prepared for printing, the said portrait cuts, statements and
 10 arguments, with an order for the number of pamphlet copies of the same neces-
 11 sary to supply one, at least, complete as to the candidates to be voted for in any
 12 county for which the same may be designed, for every registered voter within
 13 the State. The State Printer shall begin delivering said pamphlets to the Secre-
 14 tary of State as soon as possible. The Secretary of State shall begin mailing
 15 the pamphlets to the voters of the State in the same folders as those of the can-
 16 didates as soon as they are delivered to him, and shall complete the mailing on or
 17 before the sixth day before said general election.

Sec. 56. All the portrait cuts, statements and arguments of all the political
 2 parties and independent candidates shall be bound together in one pamphlet,
 3 and no party shall have more than twenty-four pages, nor an independent candi-
 4 date more than two pages therein. The political parties and independents shall
 5 pay to the Secretary of State for the public treasury for said pamphlet at the

6 time of filing their copy with him, at the rate of fifty dollars for each printed page
 7 of space in said pamphlet used by such party or independent candidate. The
 8 provisions of the preceding sections requiring estimates of the number of pamph-
 9 lets for each county, limitations on the candidates' names, statements and pic-
 10 tures to be included in the pamphlets going to each county, and the manner of
 11 distribution, shall apply in like manner to the pamphlets herein provided for the
 12 general election.

Sec. 57. The State Auditor of Public Accounts, the clerk in the office of the
 2 Secretary of State holding the highest position in the classified civil service
 3 of the Secretary of State, or in the absence of such classified service therein, the
 4 first assistant in said office, and one member of the State Civil Service Commis-
 5 sion, not of the same political party as the State Auditor of Public Accounts and
 6 who shall be designated by the State Civil Service Commission within thirty
 7 days after the taking effect of this Act, are hereby made supervisors of the re-
 8 turns to be made under this Act, who shall hereafter be designated "super-
 9 visors."

10 The three supervisors shall at no time be all of the same political party.

11 The supervisors shall be provided by the Secretary of State with office room
 12 in the seat of government. The Auditor shall be chairman of the supervisors
 13 and the clerk from the office of the Secretary of State shall be secretary there-
 14 of. Said officers shall receive for the services provided for herein compensation
 15 as follows:

16 To the Auditor \$10 per day of service rendered by him as inspector; to the
 17 Civil Service Commissioner and clerk from the office of the Secretary of State,
 18 each \$5 per day of service rendered by him as inspector. But this provision for
 19 compensation shall not operate on the compensation of the said Auditor or Civil
 20 Service Commissioner elected or appointed prior to their entering upon service
 21 hereunder, for the term for which they were previously elected or appointed re-
 22 spectively.

23 The expenses necessarily incurred by the supervisors in performing the
24 duties imposed by this Act shall be audited by the State Auditor of Public Ac-
25 counts, upon vouchers properly certified by him and the Secretary, and paid by
26 the State in the same manner as the expenses of the office of the State Auditor of
27 Public Accounts.

Sec. 58. The said supervisors shall prepare at the expense of the State
2 and furnish to the city and county clerks, and in cities where there is a Board
3 of Election Commissioners, to such Board blanks and forms, with the assistance
4 of the Attorney General, suitable for the statements, supplemental statements
5 and books of account required by this Act, and shall have power to change said
6 forms and to revise the same from time to time. On the receipt of lists of can-
7 didates for public office before a caucus or primary, or upon the filing of nom-
8 ination papers before any election, the Board of Election Commissioners in
9 such cities, and the Clerk of any other city, or the county clerk or other officer
10 with whom lists of candidates and nomination papers are required by law to be
11 filed, shall transmit to the candidate or candidates put in nomination, and to the
12 treasurers of political committees, the blanks above described. Upon the filing
13 of a nomination before a state or national election, the Secretary of State shall
14 transmit to the candidate or candidates put in nomination and to the treasurers
15 of the political committees, the blanks above described. To any person required
16 to file a statement, such blanks shall be furnished upon application therefor.

Sec. 59. The supervisors are given power to make rules to carry out the
2 purposes of this Act and change the same from time to time. All rules made as
3 herein provided and all changes therein shall forthwith be printed, for distri-
4 bution by said supervisors, and said supervisors shall give public notice of the
5 place or places where said rules may be obtained by publication in one daily
6 newspaper published in each county in the State. In such published notices
7 shall be specified the date not less than thirty days subsequent to the date of
8 such publication when such rules shall go into operation.

9 The supervisors are given power and on written complaint of any fifty
10 citizens residing in any city, county, town, circuit or district, are required to in-
11 vestigate the manner in which this law and said rules are administered and
12 complied with. Said investigations may be held in any public office of the State
13 or of the city, county, town, circuit or district, affected. In the course of such
14 investigations each supervisor shall have power to administer oaths; and said
15 supervisors shall have power to make and issue and serve their *subpoena* and to
16 secure both the attendance and testimony of witnesses and the production of
17 books and papers relevant to such investigations.

Sec. 60. In any case in which the supervisors shall find probable cause to
2 believe that this Act is violated they shall report the same in writing to the At-
3 torney General and to the State's Attorney of the appropriate county, who
4 shall within thirty days thereafter institute appropriate civil or criminal pro-
5 ceedings upon such alleged violation or certify in writing to the supervisors that
6 in their joint opinion there is not probable cause therefor. If notwithstanding
7 such opinion said supervisors shall within thirty days after the filing of such
8 opinion with the supervisors, receive the written request of fifty citizens of the
9 State (where State elections are concerned), or of the appropriate city, town,
10 county, circuit or district, requesting that proceedings be instituted, then said su-
11 pervisors shall employ counsel who shall institute such proceedings as may be
12 found appropriate concerning such alleged violation. A proceeding so instituted
13 shall not be voluntarily discontinued.

Sec. 61. Said supervisors shall keep, in books provided therefor, records of
2 their proceedings and of such investigations and shall have power to employ
3 counsel to assist in the conduct of such investigation.

Sec. 62. Said supervisors shall, on or before the 15th day of January of
2 each year, make to the Governor, for transmission to the legislature, a report
3 showing their own acts, the rules in force, the practical effects thereof, the

4 forms used, the manner in which the same are filled out and filed, the practical
 5 effects thereof, and shall include the total receipts and expenditures shown by
 6 each statement filed in the office of the State Auditor of Public Accounts, and
 7 any suggestions they may deem appropriate for the more effectual accomplish-
 8 ment of the purposes of this Act.

9 The Governor may require a report from said supervisors at any other
 10 time.

Sec. 63. Terms used in this act shall be construed as follows unless other
 2 meaning is clearly apparent from the language or context, or unless such con-
 3 struction is inconsistent with the manifest intent of the law:

4 "Persons" shall apply to any individual, male or female, and where consis-
 5 tent with collective capacity, to any committee, firm, partnership, club, organiza-
 6 tion, association, corporation or other combination of individuals.

7 "Candidate" shall apply to any person whose name is printed on an official
 8 ballot for public office, or whose name is expected to be or has been presented
 9 for public office, with his consent, for nomination or election.

10 "Political agent" shall apply to any person who, upon request or under
 11 agreement, receives or disburses money in behalf of a candidate.

12 "Political committee" or "committee" shall apply to every combination of
 13 two or more persons who shall aid or promote the success or defeat of a candi-
 14 date, or a political party or principle or measure, and the provisions of law relat-
 15 ing thereto shall apply to any firm or partnership, to any corporation, and to any
 16 club, organization, association or other combination of persons, whether incor-
 17 porated or not, with similar purposes, whether primary or incidental.

18 "Public office" shall apply to any national, state, county or city, village or
 19 town office to which a salary or other compensation attaches and which is filled
 20 by the voters of this state, as well as to the office of presidential elector, United
 21 States Senator, or presiding officer of either branch of the legislature.

Sec. 64. "Give", "provide", "expend", "contribute", "receive", "ask",

2 "solicit" and like terms with their corresponding nouns, shall apply to money,
3 its equivalent, or any other valuable thing; shall include the promise, advance,
4 deposit, borrowing or loan thereof, and shall cover all or any part of a transac-
5 tion, whether it be made directly or indirectly.

6 "Election expenses," as used in this Act, shall include all expenditures of
7 money or other valuable things in furtherance of the nomination of any person
8 or persons as candidates for public office or in furtherance of the election of any
9 person or persons to public office, or upon any measure, or to defeat the nomina-
10 tion or election to public office of any person or persons.

11 "Town," as used in this Act from sections to, shall apply to
12 incorporated towns.

13 "Political party," as used in this Act, shall apply to the state or any political
14 division thereof, and shall include a party which at the general election next pre-
15 ceding a primary or election polled more than two per cent of the entire vote
16 cast in the state, county, congressional, senatorial, city, village, town, township
17 or school district, as the case may be, according to the office to be filled therein
18 or thereby.

19 "Accountant," as used in this Act, shall include any individual "person,"
20 "candidate," "political agent," "political committee" or "political party" who
21 has received or expended money or other thing in furtherance of or appertaining
22 to candidacy.



- 1 Introduced by Mr. Hull, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on State and Municipal Civil Service Reform (when appointed).

A BILL

For an Act to regulate the civil service of counties.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That in all counties of this State con-
3 taining one hundred and fifty thousand or more inhabitants, all the offices and
4 places of employment in the service of such county, and all offices and places of
5 employment the salaries or wages for which are paid in whole or in part out of
6 funds appropriated by the county board of such county, except those exempted
7 in Section 11 of this Act, shall be classified and filled in the manner hereinafter
8 provided for and not otherwise. Whenever any county not now containing one
9 hundred and fifty thousand or more inhabitants shall have attained such number
10 of inhabitants, as shown by any census hereafter taken by the United States,
11 thereupon this Act shall become applicable to such county on the first day of
12 July next succeeding the completion of the taking of such census by the United
13 States.

Sec. 2. COMMISSIONERS APPOINTED—OATH — VACANCIES — REMOVALS.] In all
2 counties of this State to which this Act is or shall become applicable, there is

3 hereby created and established a County Civil Service Commisison, hereinafter
4 called the Commission, to consist of three persons to be selected and appointed in
5 the manner following:

6 The president or chairman, as the case may be, of the county board of any
7 such county shall forthwith, upon this Act becoming operative therein, appoint,
8 with the consent of the county board, three persons, whose terms of office shall be
9 three years and until their respective successors are appointed and qualified, to
10 constitute and be known as the Board for the Selection and Appointment of Em-
11 ployment Experts as Civil Service Commissioners. The terms of office of the
12 members of said Board first appointed shall begin forthwith upon their appoint-
13 ment and continue for three years after the first day of July next preceeding, and
14 the term of office of their successors shall begin on the first day of July three
15 years thereafter respectively. Any appointment to fill a vacancy occurring dur-
16 ing said term shall be for the unexpired portion of such term. Each member of
17 any Board for the Selection and Appointment of Employment Experts as Civil
18 Service Commissioners, shall take the oath prescribed by the Constitution and
19 serve without compensation. Any such Board may incur necessary expenses for
20 clerk hire, stationery, printing and other incidental expenses and said expenses
21 shall be allowed and paid by the county. Whenever a county civil service com-
22 missioner is to be appointed under this Act as hereinafter provided, whether
23 said appointment be original or to fill a vacancy or whenever there shall be a
24 vacancy in the office of county civil service commissioner in any existing county
25 civil service commission to which this Act applies, the said Board shall convene
26 at the county seat and proceed to select and appoint county civil service commis-
27 sioners, who shall hold office for a term of six years and until their respective
28 successors are duly appointed and qualified, such appointment to be made of the
29 most fit candidate for such appointment, selected upon the basis of public com-
30 petition open to citizens of the State of Illinois, and of merit, experience and ex-
31 port qualification to be tested by appropriate examination: *Provided, however,*
32 that the commissioners of any existing County Civil Service Commission in any

33 county to which this Act applies, shall continue to hold their respective offices
 34 until the expiration of their several terms, unless removed in accordance with the
 35 provisions of this Act. Each county civil service commissioner, before entering
 36 upon the duties of his office, shall take the oath prescribed by the Constitution.
 37 Two members of the Commission shall constitute a quorum. No member of the
 38 Commission shall hold any other lucrative office or employment under the
 39 United States, the State of Illinois, or any municipal corporation or political
 40 division thereof. No county civil service commissioner, now in office or here-
 41 after appointed, shall be removed except for palpable incompetence or malfeas-
 42 ance in office upon written charges and after an opportunity to be heard in his
 43 own defense. Such charges may be filed by order of the County Board before
 44 the Board for the Selection and Appointment of Employment Experts as Civil
 45 Service Commissioners who shall hear and determine the same. The findings
 46 and decision of said last named Board shall be final, and if such charges shall
 47 be sustained the county civil service commissioner so charged shall be forthwith
 48 removed from office by said Board, who shall thereupon proceed to fill the va-
 49 cancy created by such removal. In any proceeding provided for in this section
 50 said Board, and each member thereof, shall have power to administer oaths and
 51 to compel by subpoena the attendance and testimony of witnesses and the pro-
 52 duction of books and papers.

Sec. 3. CLASSIFICATION.] The Commission shall within six months after
 2 this Act goes into effect classify all offices and places of employment which this
 3 Act provides shall be classified. Such classification shall be made with refer-
 4 ence to the duties of such offices and places for the purpose of establishing
 5 grades and of fixing and maintaining standards of examinations hereinafter
 6 provided for. The offices and places so classified by the Commission shall con-
 7 stitute the classified civil service of such county and no appointments to any of
 8 such offices or places shall be made except under and according to the provi-
 9 sions of this Act and of the rules hereinafter mentioned. As a part of such
 10 classified civil service all officers and employees of the Commission, except spe-

11 cial examiners, shall be included. *Provided, however,* that all attending physi-
 12 cians and surgeons, who serve without compensation, in any public institution
 13 in such county, devoted to the care and treatment of the sick, poor and insane,
 14 and who are hereby made a part of the classified civil service of such county,
 15 shall be appointed for such term as the Commission shall by rule prescribe, and
 16 that the physicians and surgeons usually designated as internes, who are also
 17 hereby made a part of the classified civil service of such county, shall be ap-
 18 pointed for such term as the Commission shall by rule prescribe, and, *provided*
 19 *further,* that there may also, at the discretion of such county board, be a con-
 20 sulting staff of physicians and surgeons, which staff shall be appointed by the
 21 county board, and that such county board in its discretion may contract with
 22 any training school of recognized standing for the nursing of any or all of the
 23 sick, poor and insane of such county.

Sec. 3a. STANDARDIZATION.] The Commission shall ascertain the duties of
 2 each office and place in the classified civil service and designate by rule the grade
 3 of each position. Each grade shall comprise offices and places having substan-
 4 tially similar duties. The Commission shall by rule indicate the lines of pro-
 5 motion from each lower grade to a higher grade wherever the experience de-
 6 rived in the performance of the duties of such lower grade tends to qualify for
 7 performance of duty in such higher grade. The Commission shall by rule pre-
 8 scribe standards of efficiency for each grade and for examinations of candidates
 9 for appointment thereto.

10 For the purpose of establishing uniformity of pay and title for all offices
 11 and places of employment classified in the same grade, it shall be the duty of
 12 the Commission to prescribe by rule the maximum and minimum pay for each
 13 grade and the title thereof and to report to the county board, annually, and at
 14 such other times as it may direct, the name and address of each officer and em-
 15 ployee paid more or less than the pay prescribed for his grade or designated
 16 by a title other than that prescribed for his grade by the Commission.

17 The Commission shall standardize employment in each grade and make and
 18 keep a record of the relative efficiency of each officer and employee in the class-
 19 ified civil service. It shall provide by rule, methods for ascertaining and veri-
 20 fying the facts from which such records of relative efficiency shall be made,
 21 which shall be uniform for each grade in the classified service.

Sec. 3b. PERSONS IN COUNTY SERVICE WHEN ACT APPLIES.] In any county
 2 which is now, or which hereafter may become, subject to the provisions of this
 3 Act, all persons who for a continuous period of not less than thirty days imme-
 4 diately prior to the time when this Act takes effect, or shall have become appli-
 5 cable, have held offices or places of employment which this Act provides shall be
 6 classified, shall be included under the provisions of this Act and shall become
 7 members of the classified civil service of such county, without original exami-
 8 nation.

Sec. 4. RULES.] The said Commission shall make rules to carry out the
 2 purposes of this Act, and for examinations, appointments, transfers and remov-
 3 als and for maintaining and keeping records of the efficiency of officers and em-
 4 ployees, and groups of officers and employees, in accordance with the provi-
 5 sions of this Act, and said Commission may from time to time make changes in
 6 in such rules.

Sec. 5. PUBLICATION OF RULES.] All rules made as herein provided and all
 2 changes therein shall forthwith be printed for distribution by the Commission,
 3 and it shall give notice of the places where said rules may be obtained, by publi-
 4 cation in one or more daily newspapers published in such county, and in each
 5 such publication shall specify the date not less than ten days subsequent to the
 6 date of such publication, when said rules shall go into operation.

Sec. 6. EXAMINATIONS.] All applicants for offices or places in said class-
 2 ified civil service, except those mentioned in Section 11 hereof, shall be subjected
 3 to examination, which shall be public, competitive and free to all persons who
 4 may be lawfully appointed thereto with limitations specified in the rules of the

5 Commission as to residence, age, sex, health, habits, moral character and quali-
6 fications to perform the duties of the office or place to be filled, which qualifica-
7 tions shall be prescribed in advance of such examination. Such examinations
8 shall be practical in their character, and shall relate to those matters which will
9 fairly test the relative capacity of the persons examined to discharge the duties
10 of the position to which they seek to be appointed, and may include tests of phys-
11 ical qualifications and health and when appropriate, of manual skill. No ques-
12 tion in any examination shall relate to political or religious opinions or affilia-
13 tions. The Commission shall control all examinations, and may, whenever an
14 examination is to take place, designate a suitable number of persons, either in
15 or not in the official service of the county to be examiners; and it shall be the
16 duty of such examiners, and if in the official service it shall, without extra com-
17 pensation, be a part of their official duty, to conduct such examination as the
18 Commission may direct, and to make return and report thereof to said Commis-
19 sion; and the Commission may at any time substitute any other person, whether
20 or not in such service, in the place of any one so selected; and the Commission
21 may themselves, at any time, act as such examiners, and without appointing
22 examiners. The Commission shall, with reference to maintaining eligible rég-
23 isters, proceed by rule to divide the entire service into two divisions; in one of
24 these divisions shall be included all offices and places of employment in the
25 classified service whereto certification is infrequent; in the other shall be in-
26 cluded all other offices and places in the classified service. Such rule shall dis-
27 tinctly designate in which division each of said offices or places falls; and as to
28 all offices and places comprised under the first division above mentioned, exam-
29 ination shall be held only when a vacancy exists, and an eligible list or reg-
30 ister, so prepared, shall be in force only until permanent appointment has been
31 made from such list or registers; and as to all other offices and places said
32 Commission shall, by rule, provide for and hold a sufficient number of examina-
33 tions to provide a sufficient number of eligibles on the register for each grade
34 of position in the classified civil service, and if any place in the classified civil

35 service becomes vacant, to which there is no person eligible for appointment.
36 the Commission shall immediately hold an examination for such position and
37 repeat the same, if necessary, until a vacancy is filled in accordance with the
38 provisions of this Act.

39 Said Commission may, in its discretion, cancel such portion of any such
40 register as has been in force for more than two years.

Sec. 7. NOTICE OF EXAMINATIONS.] Notice of the time and place and general
2 scope of every examination and of the duties, pay and nature of the position
3 sought to be filled shall be given by the Commission by publication, for two weeks
4 preceding such examination, in a daily newspaper of general circulation pub-
5 lished in the county, and such notice shall be posted by the Commission in a con-
6 spicuous place in its office for two weeks before such examination. Such further
7 notice of examinations may be given as the Commission shall prescribe.

Sec. 8. REGISTERS.] From the return or reports of examiners, or from the
2 examinations made by the Commission, the Commission shall prepare a register
3 for each grade or class of position in the classified service of the county of the
4 persons who shall attain such minimum mark as may be fixed by the Commission
5 for any part of such examination and whose general average standing upon ex-
6 amination for such grade or class is not less than the minimum fixed by the rules
7 of said Commission, and who are otherwise eligible; and such persons shall take
8 rank upon the register as candidates in the order of their relative excellence as
9 determined by examination, without reference to priority of time of examination.

Sec. 9. PROMOTION.] The Commission shall note of record the duties
2 (whether imposed by law, official regulation or practice) of each office or place in
3 the classified service. It shall thereupon by rule fix lines for promotion from
4 such several offices and places to superior offices or places in all cases where, in
5 the judgment of the Commission, the duties of such several positions directly
6 tend to fit the incumbent for a superior position. In case of vacancy in superior

7 offices or places, which cannot be filled by reinstatement, the Commission shall
 8 hold promotion examinations to fill such vacancy. Incumbents of offices or
 9 places next lower in the line so fixed shall be solely eligible for such examination,
 10 unless in the judgment of the Commission, to be noted in its minutes with the
 11 grounds therefor, it is for the best interests of the service that original exam-
 12 ination for such vacancy be held. In promotion examinations, efficiency and sen-
 13 iority in service shall form a part of such examination, but combined shall not
 14 carry a total number of marks to exceed one-quarter of the maximum marks at-
 15 tainable in such examination. All examinations for promotion shall be com-
 16 petitive. The method of examination, the rules governing the same, and the
 17 method of certifying shall be the same as provided for in original examination.

Sec. 10. APPOINTMENTS.] Whenever a position classified under this Act is
 2 to be filled, the appointing officer shall make requisition upon said Commission
 3 and the Commission shall certify to him the name and address of the candidate
 4 standing highest upon the register of eligibles for said position, except that in
 5 case of laborers, when a choice by competition is impracticable, said Commission
 6 may provide by its rules that the selection shall be made by lot from among those
 7 candidates proved fit by examination. The appointing officer shall notify the
 8 Commission of each position to be filled separately and shall fill such position by
 9 the appointment of the person certified to him by said Commission therefor,
 10 which appointment shall be on probation for a period of not more than three
 11 months to be fixed by said rules. At any time during the period of probation, the
 12 appointing officer may discharge a person so certified and shall forthwith notify
 13 the Commission in writing of such discharge. If such person is not thus dis-
 14 charged, his appointment shall be deemed complete.

15 When there is no eligible list, the appointing officer may, with the authority
 16 of the Commission, make temporary appointments to remain in force only until
 17 regular appointments under the provisions of this Act can be made.

18 In employment of an essentially temporary and transitory nature, the ap-
 19 pointing officer may, with the authority of the Commission, make temporary ap-

pointments to fill a vacancy, but no such authority shall be granted for a period of more than thirty days, but it may be renewed from time to time by the Commission. The Commission shall include in its annual report, and if thereto required by the County Board, in any special report, a statement of all temporary authorities granted or renewed during the year or period specified by the County Board, together with a statement of the facts in each case because of which such authority was granted.

The acceptance or refusal by an eligible person of a temporary appointment shall not affect his standing on the register for permanent appointment.

Sec. 10a. TRANSFERS.] The Commission may by its rules provide for transfers of officers and employees in the classified service from positions in one office or department to positions of the same class and grade in another office or department. Transfers which are in the nature of promotions shall be governed by Section 9 of this Act, and transfers which are in the nature of demotions shall be governed by Section 12 of this Act.

Sec. 11. EXEMPTIONS FROM THE CLASSIFIED SERVICE.] The following offices and places of employment, in so far as there are or may be such in such counties, shall not be included within the classified civil service, namely:

All elective officers; all officers whose appointment is provided for by the Constitution; judges and officers appointed by judges of any court; the county attorney; the superintendent of public service; judges and clerks of elections: *Provided, however,* that election commissioners and officers and employees of any Election Commission in such county shall be included in said classified civil service.

Sec. 12. REMOVALS.] No officer or employee in the classified civil service of the county shall be removed or discharged except for cause, upon written charges, and after an opportunity to be heard in his own defense. Such charges shall be investigated by or before the Commission, or by or before some officer

5 or board appointed by the Commission to conduct such investigation. The find-
 6 ing and decision of the Commission or of such investigating officer or board,
 7 when approved by said Commission, shall be final and shall be certified to the
 8 appointing officer, and shall be forthwith enforced by such officer. Nothing in
 9 this Act shall limit the power of any officer to suspend a subordinate for a
 10 reasonable period, not exceeding thirty days. Every such suspension shall be
 11 without pay: *Provided, however,* that the Commission shall have authority to
 12 investigate every such suspension, and, in case of its disapproval thereof, it
 13 shall have power to restore pay to the employee so suspended. In the course
 14 of any investigation provided for in this Act, each member of the Commission,
 15 and of any board so appointed by it, and any officer so appointed, shall have the
 16 power to administer oaths and shall have power to secure by its subpoena both
 17 the attendance and testimony of witnesses, and the production of books and
 18 papers. Nothing in this section shall be construed to require such charges in
 19 case of laborers or in case of persons having the custody of public money for the
 20 safe keeping of which another person has given bonds.

Sec. 13. REPORTS TO COMMISSION.] Immediate notice in writing shall be
 2 given by the appointing power to said Commission of all appointments, per-
 3 manent or temporary, made in such classified civil service and of all transfers,
 4 promotions, resignations or vacancies from any cause in such service and of the
 5 date thereof, and a record of the same shall be kept by said Commission. When
 6 any office or place of employment is created or abolished, or the compensation
 7 attached thereto altered, the officer or board making such change shall immedi-
 8 ately report it in writing to said Commission.

Sec. 14. EFFICIENCY—INVESTIGATIONS.] The Commission shall investigate
 2 the efficiency of all officers and employees and of all groups of officers and em-
 3 ployees in the classified service and shall report to each officer, board or other
 4 authority in charge of any institution, office or department of the county govern-
 5 ment its findings and recommendations relative to increasing efficiency and econ-

omy therein. In case the recommendations made by the Commission are not carried into effect within a reasonable time, or in case of a difference of opinion with reference to such findings or recommendations between the Commission and the officer, board or other authority in charge of an institution, office or department concerned in any such finding or recommendation, the report accompanied by a note of the relevant facts shall be transmitted to the County Board by the Commission. The Commission shall investigate the enforcement of this Act and of the rules of the Commission, the conduct of the appointees in the classified service and the methods of administration therein, and may investigate the nature, tenure and compensation of all offices and places in the civil service of the county. In the course of such investigation each commissioner shall have power to administer oaths, and said Commission shall have power to secure by its subpoena both the attendance and testimony of witnesses and the production of books and papers.

Sec. 15. REPORT OF COMMISSION.] Said Commission shall, on or before the 15th day of January of each year, make to the County Board a report showing its own action, the rules in force, the practical effects thereof and any suggestions it may approve for the more effectual accomplishment of the purposes of this Act. The County Board may require a report from said Commission at any time.

Sec. 16. OFFICERS.] The Commission shall select one of its own members to act as president and one as secretary of the Commission. The secretary shall keep the minutes of the Commission, preserve all records and perform such other duties as the Commission may direct.

Sec. 17. OFFICERS TO AID—ROOMS.] All officers of the county shall aid the Commission in all proper ways in carrying out the provisions of the Act and at any place where examinations are to be held shall allow reasonable use of public buildings for holding such examinations. The county board shall cause suitable rooms to be provided for the Commission at the expense of the county.

Sec. 18. SALARIES.] Each of said commissioners shall receive a salary of
2 not less than three thousand dollars a year.

Sec. 19. EXPENSES.] A sufficient sum of money shall be appropriated each
2 year by the county board to carry out the provisions of this Act; and the county
3 board shall allow to said commission such clerical help and such sums to operate
4 and maintain said office as shall be necessary, and the compensation of such
5 clerical help and such sums allowed shall be paid by the county as other county
6 charges. If the board shall have already made the annual appropriations for
7 county purposes for the current fiscal year, the board is authorized and required
8 to pay the salaries and expenses of the Commission for such fiscal year out of
9 the moneys appropriated for contingent purposes by said board.

10 Any person not at the time in the official service of the county, serving as a
11 member of the board of examiners or of an investigating board, shall receive com-
12 pensation for every day actually and necessarily spent in the discharge of his
13 duty as an examiner or a member of the investigating board, at the rate of five
14 dollars per day, and the Commission may, in such county, also incur expenses, not
15 exceeding five thousand dollars per year, for clerk hire, printing, stationery and
16 other incidental matters.

Sec. 20. FRAUDS PROHIBITED.] No person or officer shall wilfully or cor-
2 ruptly, by himself, or in co-operation with one or more persons, defeat, deceive
3 or obstruct any person in respect to his or her right of examination hereunder;
4 or corruptly or falsely mark, grade, estimate or report upon the examination or
5 proper standing of any person examined hereunder or aid in so doing; or wilfully
6 or corruptly make any false representation concerning the same or concerning
7 the person examined; or wilfully or corruptly furnish to any person any special
8 or secret information for the purpose of either improving or injuring the pros-
9 pects or chances of any persons so examined, or to be examined, being appointed,
10 employed or promoted. And no applicant for any examination shall wilfully or
11 corruptly by himself, or in co-operation with one or more persons, deceive the

12 said Commission with reference to his identity, or wilfully or corruptly make
 13 any false representations in his application for any examination, or commit any
 14 fraud for the purpose of improving his prospects or chances in such examina-
 15 tion.

Sec. 21. NO OFFICER TO RECEIVE OR SOLICIT POLITICAL CONTRIBUTIONS.] No of-
 2 ficer or employee shall solicit, orally or by letter, or receive, or be in any manner
 3 concerned in soliciting or receiving any assessment, subscription or contribution
 4 from any member of the classified civil service for any party or political purpose
 5 whatever.

Sec. 22. NO PERSON TO SOLICIT POLITICAL CONTRIBUTIONS FROM OFFICERS OR EM-
 2 PLOYEES.] No person shall solicit, orally or by letter, or be in any manner con-
 3 cerned in soliciting any assessment, contribution or payment for any party or any
 4 political purpose whatever, from any officer or employee in the classified civil
 5 service.

Sec. 23. ASSESSMENTS AND CONTRIBUTIONS IN PUBLIC OFFICES FORBIDDEN.] No
 2 person shall, in any room or building occupied for the discharge of official duties
 3 by any officer or employee in the county, solicit orally or by written communica-
 4 tion, delivered therein, or in any other manner, or receive any contribution of
 5 money or other thing of value, for any party or political purpose whatever, from
 6 any member of the classified civil service. No officer, agent, clerk or employee
 7 under the government of any such county, who may have charge or control of
 8 any building, office or room, occupied for any purpose of said government shall
 9 permit any person to enter the same for the purpose of therein soliciting or de-
 10 livering written solicitations for or receiving from, or giving notice to any mem-
 11 ber of the classified civil service of the county of any political assessments.

Sec. 24. PAYMENTS OF POLITICAL ASSESSMENTS TO PUBLIC OFFICERS PROHIB-
 2 ITED.] No officer or employee in the service of any such county shall, directly or
 3 indirectly, give or hand over to any officer or employee in said classified civil
 4 service, or to any senator or representative or alderman, councilman or com-

5 missioner, any money or other valuable thing, on account of or to be applied to
6 the promotion of any party or political object whatever.

Sec. 25. ABUSE OF POLITICAL INFLUENCE PROHIBITED.] No person who holds
2 any public office, or who has been nominated for, or who seeks a nomination or
3 appointment to any public office, shall corruptly use or promise to use, either
4 directly or indirectly, any official authority or influence in order to secure or aid
5 any person in securing for himself or for another, any office or public employ-
6 ment, or any nomination, confirmation, promotion or increase of salary as a re-
7 ward for political influence or service.

Sec. 26. PAYMENT FOR PLACE PROHIBITED.] No applicant for appointment in
2 said classified service, or to a position named in the eleventh section of this Act,
3 shall pay or promise to pay, either directly or indirectly, any money or other val-
4 uable thing to any person whatever for or on account of his appointment, or pro-
5 posed appointment, and no officer or employee in said classified service, or named
6 in section eleven of this Act shall pay or promise to pay, either directly or indi-
7 rectly, any money or other valuable thing, to any person, whatever, for or on ac-
8 count of his promotion or proposed promotion.

Sec. 27. RECOMMENDATION IN CONSIDERATION OF POLITICAL SERVICE PROHIBIT-
2 ED.] No applicant for appointment or promotion in the classified service shall
3 ask for or receive a recommendation or assistance from any officer or employee
4 in said service, or from any person in consideration of any political service to
5 be rendered to or for such person or for the promotion of such person to any
6 office or appointment.

Sec. 28. APPOINTMENTS AND REMOVAL TO BE CERTIFIED TO THE COMPTROLLER.]
2 The commission shall certify to the county clerk or other auditing officer all ap-
3 pointments to offices and places in the classified service, and all vacancies oc-
4 ccurring therein, whether by dismissal, resignation or death, and all decisions
5 of the commission under the provisions of the fourteenth section of this Act.

Sec. 29. PAYMENT ONLY AFTER CERTIFICATION.] No county clerk, comptroller, treasurer, paymaster, auditing officer or other officer or agent of such county shall approve the payment of, or be in any manner concerned in paying, any salary or wage to any person for services as an officer or employee in the public service covered by this Act, unless an estimate, pay-roll or account for such salary or wage, containing the names of the persons to be paid and a statement of the amount to be paid, and the matter on account of which the same is to be paid, shall be filed with him, bearing the certificates of said commission that the persons named in such estimate, pay-roll or account have been appointed or employed in pursuance of law and of rules made in pursuance of this Act.

Sec. 30. COMPELLING TESTIMONY OF WITNESSES—PRODUCTION OF BOOKS AND PAPERS.] Any person who shall be served with a subpoena to appear and testify or to produce books and papers, issued by the commission or by any commissioners, or by any board or person acting under the orders of the commission in the course of an investigation conducted, under any provision of this Act, and who shall refuse or neglect to appear or testify, or to produce books and papers relevant to said investigation, as commanded in such subpoena, shall be guilty of a misdemeanor, and shall, on conviction, be punished as provided in the thirty-third section of this Act. The fees of witnesses for attendance and travel shall be the same as the fees of witnesses before the circuit courts, and shall be paid from the appropriation for the expenses of the commission, and any circuit court or any judge thereof, either in term time or vacation, upon application of any such commissioner or officer or board, may, in his discretion, compel the attendance of witnesses, the production of books and papers, and giving of testimony before the commission, or before any such commissioners, investigating board or officer by attachment, or contempt, or otherwise, in the same manner as the production of evidence may be compelled before said court. Every person who, having taken an oath or made affirmation before a commis-

19 sioner or officer appointed by the commission authorized to administer oaths,
20 shall swear or affirm wilfully, corruptly and falsely, shall be guilty of perjury,
21 and upon conviction shall be punished accordingly.

Sec. 31. PENALTIES.] Any person who shall wilfully or through culpable
2 negligence, violate any of the provisions of this Act, shall be guilty of a misde-
3 meanor, and shall, on conviction thereof, be punished by a fine of not less than
4 \$50 and not exceeding \$1,000, or by imprisonment in the county jail for a term
5 not exceeding six months, or by both such fine and imprisonment, in the discre-
6 tion of the court.

Sec. 32. PENALTIES—REMOVAL FROM OFFICE.] If any person shall be con-
2 victed under the last preceding section, any public office or place of public em-
3 ployment which such person may hold, shall, by force of such conviction, be
4 rendered vacant.

Sec. 33. WHAT OFFICERS TO PROSECUTE.] Prosecutions for violations of this
2 Act may be instituted either by the Attorney General, the State's Attorney for
3 the county in which the offense is alleged to have been committed, or by the
4 commission acting through special counsel. Such suits shall be conducted and
5 controlled by the prosecuting officers who institute them, unless they request the
6 aid of other prosecuting officers.

Sec. 34. REPEAL.] All laws or parts of laws which are inconsistent with
2 this Act, or any of the provisions thereof, are hereby repealed.



1 Adopted April 5, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 96 by inserting the word "necessary" before the word
2 "expenses" in line 14 of Section 19 on page 12 of the printed bill and striking
3 out the words "not exceeding five thousand dollars per year" in lines 14 and
4 15 of said section.

AMENDMENT NO. 2.

Strike out of Section 2 of the printed bill, lines 6 to 30, inclusive, and all of
2 line 31 ending with the word "examination" and insert in place thereof the fol-
3 lowing:

4 "The President of the County Board shall at a regular meeting within six
5 months after July 1, A. D. 1911, appoint three persons, not more than two of
6 whom shall at any time belong to or be affiliated with the same political party,
7 who shall constitute and be known as the County Civil Service Commission of
8 said county; one for a term of one year from the date of his appointment, one
9 for a term of two years and one for a term of three years from date of appoint-
10 ment and until their respective successors are appointed and qualified, and at the
11 expiration of the respective terms above named or soon thereafter the Presi-
12 dent shall in like manner appoint one person as the successor of the Commis-
13 sioner whose term shall then expire to serve as a Commissioner for three years
14 and until his successor is in like manner appointed and qualified."

AMENDMENT NO. 3.

Strike out of line 43 of Section 2 of the printed bill the words, "by order
 2 of the County Board before"; also all of line 44, and line 45 ending with the
 3 word "Commissioners," and insert in place thereof "before the County
 4 Board."

AMENDMENT NO. 4.

Amend Section 6 of the printed bill by adding after line 40 of said section on
 2 page 7 thereof, the following:

3 "Said Commission shall permanently preserve all written and printed
 4 questions and the answers thereto of any and all competitive examinations on
 5 technical subjects which shall be in writing and the record thereof open at all
 6 times to inspection."

AMENDMENT NO. 6.

Strike out of line 4 of Section 10 in the printed bill the words, "except
 2 that in"; also all of lines 5 and 6 and that portion of line 7 ending with the
 3 word "examination."

AMENDMENT NO. 8.

Insert at the end of Section 10, following the word "appointment," at the
 2 close of line 28, these words, "in cases of emergency the sheriff or the coroner,
 3 when performing the duties of sheriff, may appoint such number of deputies as
 4 the public welfare demands for the preservation of peace, the protection of
 5 property and the enforcement of the law, which appointments may be made with-
 6 out the authority of the commission and only for such period of time as the
 7 emergency requires, and in such cases the civil service commission shall certify
 8 such emergency appointments."

AMENDMENT NO. 9.

Amend Section 11 of the printed bill by inserting after the word "elections,"
 2 at the end of line 6 thereof, the following: "A chief deputy and his assistant
 3 and a confidential clerk, or private secretary, for each elective official, all as-
 4 sistant State's attorneys in the State's Attorney's office, the warden of the
 5 County Hospital, the superintendent of the Insane Asylum, the superintendent
 6 of the Poor House, the County Agent, the County Physician, the auditor for the
 7 County Board, the coroner's chief physician, the county architect, and the Com-
 8 mittee Clerk of the County Board."

AMENDMENT NO. 10.

Amend by striking out in line 7 of Section 11 the words, "election commis-
 2 sioners and".

AMENDMENT NO. 12.

Amend House Bill No. 96 by adding a new section at the close of said bill,
 2 as follows:
 3 "All Civil War, Spanish-American War, Philippine Insurrection and Boxer
 4 Rebellion veterans, honorably discharged from the United States Army shall
 5 be eligible to any appointment in Cook County without Civil Service Examina-
 6 tion."

AMENDMENT NO. 14.

Strike out all of Section 3 "B."



- 1 Introduced by Mr. Hull, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

For an Act to amend Sections 2, 3, 4 and 6 of an Act entitled, "An Act to provide for the creation of art commissions in cities and to define their powers," approved April 24, 1899, in force July 1, 1899.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Sections 2, 3, 4 and 6 of an Act
3 entitled, "An Act to provide for the creation of art commissions in cities and
4 to define their powers," approved April 24, 1899, in force July 1, 1899, be and
5 the same are hereby amended to read as follows:

6 Sec. 2. Such commission shall consist of the Mayor of such city by virtue
7 of his office and six other members to be appointed by the Mayor. Three of
8 said six members shall be appointed from one or more of the professions of
9 painting, sculpture, architecture and landscape gardening, and of the three other
10 members none shall be appointed from the professions from which such ap-
11 pointments have been made.

12 Sec. 3. The three members of the commission required under Section 2 of
13 this Act to be appointed from among the professions therein enumerated shall
14 be appointed in the first instance for one, two and three-year terms of office
15 respectively as the Mayor may determine. The other appointed members of
16 the commission shall also be appointed in the first instance for one, two and
17 three-year terms of office respectively; and after the expiration of said terms of
18 office of all said members respectively, their successors shall be appointed for
19 a term of three years in each case. All appointments to fill vacancies shall be
20 for the unexpired term.

21 In case any vacancies shall occur in the commission for any reason, the
22 vacancy shall be filled by appointment by the Mayor.

23 Sec. 4. The commission shall serve without compensation as such, and
24 shall elect a President and Secretary from its own members, whose term of
25 office shall be for one year, and until their successors are elected and qualified.

26 The commission shall have power to adopt its own rules of procedure.
27 Four commissioners shall constitute a quorum.

28 Sec. 6. Hereafter no work of art shall be erected or placed in or upon or
29 allowed to extend over or upon any street, alley, avenue, square, common, bou-
30 levard, park, grounds used for school or other public purposes, municipal build-
31 ing, school building or other public building on public ground situated within
32 the limits of such city, unless such work of art or a design of the same, together
33 with a statement of the proposed location of such work of art shall first have
34 been submitted to and approved by the commission. The commission may,
35 when they deem proper, also require a complete model of the proposed work of
36 art to be submitted. The term "work of art" as used in this connection, shall
37 apply to and include all paintings, mural decorations, stained glass, statues, bas
38 reliefs, or other sculptures, ornaments, fountains, images or other structure of
39 a permanent character intended for ornament or commemoration. No existing

40 work of art in the possession of the city, or in any parks, boulevards, public
41 grounds, school buildings or school grounds aforesaid, shall be removed, re-lo-
42 cated, or altered in any way without the similar approval of the commission, except
43 as provided in Section 8 of this Act.

44 The commission shall act in the same capacity and shall have the same
45 powers in respect of designs of buildings, bridges, approaches, gates, fences,
46 lamps or other structures erected or to be erected upon land belonging to the
47 city or a part of any of the parks, public grounds or boulevards within the lim-
48 its of such city, and in respect of the lines, grades and platting of the public
49 ways and grounds, and in respect of the arches, bridges, structures and ap-
50 proaches which are the property of any corporation or private individual, and
51 which shall extend over or upon any street, avenue, highway, boulevard, park
52 or other public place belonging to or within the limits of such city, and said
53 commission shall so act, and its approval shall be required for every such struc-
54 ture which shall hereafter be contracted for, erected or altered, except that in
55 case of any such structure (not including works of art) which shall hereafter be
56 contracted for, erected or altered at a total expense not exceeding two hundred
57 thousand dollars, the approval of said commission shall not be required if the
58 Mayor or the Common Council shall request said commission not to act.
59 The commission shall record its proceedings and make a report thereof in writ-
60 ing annually to the Mayor of the city. But this section shall not be construed
61 as impairing the power of any park board to refuse its consent to the erection
62 or acceptance of public monuments or memorials or other works of art, or struc-
63 tures of any sort within any park, boulevard or other public ground under their
64 control in such city.



- 1 Introduced by Mr. Judah, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Corporations (when
appointed).

A BILL

For an Act to amend Section 1 of an Act entitled, "An Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as amended by Act approved April 19, 1879, in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 1 of the Act entitled, "An
3 Act concerning corporations," approved April 18, 1872, in force July 1, 1872, as
4 amended by Act approved April 19, 1879, in force July 1, 1879, be and it is here-
5 by amended so as to read and be as follows:

SECTION 1. *Be it enacted by the People of the State of Illinois.*
7 *represented in the General Assembly:* That corporations may be formed in the
8 manner provided by this Act for any lawful purpose except banking, insurance,
9 real estate brokerage, the operation of railroads and the business of loaning
10 money: *Provided,* that horse and dummy railroads, and organizations for the
11 purchase and sale of real estate for burial purposes only, *and corporations for*

12 *constructing, owning and operating not exceeding in each case one office, apart-*
13 *ment or business building,* may be organized and conducted under the provisions
14 of this Act: *And, provided, further,* that corporations formed for the purpose
15 of constructing railroad bridges shall not be held to be railroad corporations.



- 1 Introduced by Mr. Kerrick, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation for the Illinois State Bee Keepers' Association.

WHEREAS, The members of the Illinois State Bee Keepers' Association have
2 for years given much time and labor without compensation in the endeavor to
3 promote the interests of the bee keepers of the State; and

4 WHEREAS, The importance of the industry to the farmers and fruit growers
5 of the State warrants the expenditure of a reasonable sum for the holding of
6 annual meetings, the publication of reports and papers containing practical in-
7 formation concerning bee keeping; therefore, to sustain the same and enable this
8 organization to defray the expenses of annual meetings, publishing reports, sup-
9 pressing foul breed among bees in the State, and promote the industry in Illi-
10 nois:

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be and is hereby appropri-
3 ated for the use of the Illinois State Bee Keepers' Association the sum of three

4 thousand dollars (\$3000) per annum for the years 1911 and 1912. For the pur-
5 pose of advancing the growth and developing the interests of the bee keepers
6 of Illinois, said sum to be expended under the direction of the Illinois State Bee
7 Keepers' Association for the purpose of paying the expenses of holding annual
8 meetings, publishing the proceedings of said meetings, suppressing foul breed
9 among bees in Illinois, etc.

10 *Provided, however,* that no officer or officers of the Illinois State Bee Keepers'
11 Association shall be entitled to receive any money compensation whatever for
12 any services rendered for the same, out of this fund.

Sec. 2. That on the order of the President, countersigned by the Secretary
2 of the Illinois State Bee Keepers' Association, and approved by the Governor,
3 the Auditor of Public Accounts shall draw his warrant on the Treasurer of the
4 State of Illinois in favor of the treasurer of the Illinois State Bee Keepers' As-
5 sociation for the sum herein appropriated.

Sec. 3. It shall be the duty of the treasurer of the Illinois State Bee Keep-
2 ers' Association to pay out of said appropriation, on itemized and receipted
3 vouchers, such sums as may be authorized by vote of said organization on the
4 order of the president, countersigned by the secretary, and make annual report
5 to the Governor of all such expenditures, as provided by law.



1 Adopted April 21, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 99 by striking out the words and figures, “Three
2 Thousand Dollars (\$3,000)” in Section one and inserting in lieu thereof the
3 words and figures, “Twenty-five hundred dollars (\$2,500).”



- 1 Introduced by Mr. Kerriek, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act providing for the appointment of a State inspector of apiaries and prescribing his powers and duties.

WHEREAS, The disease known as foul brood exists to a very considerable extent in various portions of this State, which, if left to itself, will soon exterminate the honey bees; and

WHEREAS, The work done by an individual bee keeper or by a State inspector is useless so long as the official is not given authority to inspect and, if need be, to destroy the disease when found; and

WHEREAS, There is a great loss to the bee keepers and fruit growers of the State each year by the devastating ravages of foul brood:

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That the Governor shall appoint a State inspector of apiaries, who shall hold his office for the term of two years, and until his successor is appointed and qualified, and who may appoint one or more assistants, as needed, to carry on the inspection under his supervision.

Sec. 2. Said inspector shall, when notified of the existence of foul brood,
 2 or any other contagious or infectious disease among apiaries, examine all such
 3 as are so reported, and all others in the same locality and ascertain whether or
 4 not such disease exists, and, if satisfied of its existence, shall give the owner or
 5 the person who has the care of such apiaries full instructions as to the manner of
 6 treating them. In case the owner of a diseased apiary shall refuse to treat his
 7 bees as directed, then the said inspector may treat them at the owner's expense,
 8 or burn the diseased colonies, or their combs, as in his judgment seems best to
 9 prevent the spread of the disease.

Sec. 3. The inspector shall, on or before the second Monday of December
 2 in each calendar year, make a report to the Governor and also to the Illinois
 3 State Bee Keepers' Association, stating the number of apiaries visited; the num-
 4 ber of those diseased and treated; the number of colonies of bees destroyed,
 5 and the expense incurred in the performance of his duties. Said inspector shall
 6 receive \$4.00 for each day actually and necessarily spent in the performance of
 7 his duties, and be reimbursed for the money expended by him in defraying his
 8 expenses, out of the appropriation made to the Illinois State Bee Keepers' As-
 9 sociation: *Provided*, that the total expenditures for such purposes shall not ex-
 10 ceed three-fourths of the amount appropriated.

Sec. 4. Any owner of a diseased apiary or appliances taken therefrom,
 2 who shall sell, barter or give away any such apiary, appliance, queens or bees
 3 from such apiary, expose other bees to the danger of contracting such disease,
 4 or refuse to allow the inspector of apiaries to inspect such apiary, or appliances,
 5 shall be fined not less than fifty dollars nor more than one hundred dollars.



- 1 Introduced by Mr. Lewis, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to establish and maintain a home for the widows, orphans and other dependents of persons losing their lives in mines, factories, mills, workshops, on railways, and in other hazardous employments in this State, and making an appropriation therefor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That there be, and hereby is, created and established a home for the widows, orphans, and other dependents of persons losing their lives in mines, factories, mills, workshops, on railways and in other hazardous employments in this State, to be known as the Home for Dependents.

Sec. 2. Any widow, orphan or other dependent of any person whose death was occasioned while prosecuting, and by reason of, his employment in any mine, factory, mill, workshop or any railway, or in any other hazardous employment, in this State, shall be entitled to admission to said home.

Sec. 3. Any person desiring admission to said home shall be entitled to
2 an order for such admission by making application to the county judge of the
3 county where such person resides, and showing to such judge that such appli-
4 cant comes within the class for whom such home is established. The county
5 judge shall, by order entered of record, find the facts showing such dependency,
6 and a certified copy of such order, when presented to the superintendent of such
7 home, shall entitle the applicant to admission to said home.

Sec. 4. The said home shall be built on ground to be selected by the Board
2 of Administration and shall be constructed under the direction and supervision
3 of the Board of Administration, and, when completed, shall be subject, in all
4 respects, to the provisions of an Act entitled, "An Act to revise the laws relating
5 to charities, and making an appropriation to carry out the provisions thereof."

Sec. 5. The sum of \$50,000 is hereby appropriated to the Board of Ad-
2 ministration for the purpose of purchasing a site and the beginning of the con-
3 struction of buildings, payable on the certificate of the Board of Administration
4 and approved by the Governor.



- 1 Introduced by Mr. Lyon, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Roads and Bridges,
(when appointed).

A BILL

For an Act to amend Section thirty-one of "An Act in regard to roads and bridges in counties under township organization, and to repeal an Act and parts of Acts therein named," approved June 23, 1883, in force July 1, 1883, and amendments thereto.



SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section thirty-one of "An Act in
3 regard to roads and bridges in counties under township organization and to re-
4 peal an Act and parts of Acts therein named," approved June 23, 1883, in force
5 July 1, 1883, be and the same is hereby amended to read as follows:
6 Sec. 31. The commissioners may alter, widen or vacate any road or lay out
7 any new road in their respective towns when petitioned by any number of land
8 owners not less than twelve who shall reside in said town within two miles of
9 the road to be altered, widened, vacated or laid out, or two-thirds of the land
10 owners residing in such town within two miles of the road to be altered, widened,
11 vacated or laid out: *Provided*, said commissioners SHALL also narrow or re-

12 duce the width of public roads to not less than forty feet when the same is peti-
13 tioned for by a majority of land owners along the line of said road so far as the
14 same shall extend within the township, or so far as said petition shall extend
15 within the township. When possible the land so vacated by reducing the width
16 of the road shall be taken equally from both sides of the public highway. In
17 cases of natural obstructions upon one side of the public highway, or where the
18 said road extends along the right-of-way of any railroad, river or canal, the
19 commissioners are authorized to reduce the width of the road on one side only.
20 *Provided, further,* that said commissioners may also narrow or reduce the streets
21 in town plats not incorporated so as to leave the same not less than sixty feet in
22 width on petition and under like proceedings as herein provided in case of lay-
23 ing out, altering, widening, narrowing or vacating roads.

-
- 1 Introduced by Mr. Perkins, January 31, 1911.
 - 2 Read by title, ordered printed and referred to Committee on Judicial Department
and Practice (when appointed).

A BILL

For an Act to amend Section 28 of an Act entitled, "An Act to extend the jurisdiction of county courts and to provide for the practice thereof; to fix the time for holding the same, and to repeal an Act therein named," approved March 26, 1874, and in force July 1, 1874, and as amended by an Act approved May 13, 1879, and in force July 1, 1879.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section twenty-eight (28) of an
3 Act entitled, "An Act to extend the jurisdiction of county courts and to provide
4 for the practice thereof; to fix the time for holding the same, and to repeal an
5 Act therein named," approved March 26, 1874, in force July 1, 1874, and as
6 amended by an Act approved May 13, 1879, in force July 1, 1879, be and the
7 same is hereby amended to read as follows, to-wit: Section 28, DeWitt, FIRST
8 MONDAY IN FEBRUARY, JUNE AND OCTOBER.

Sec. 2. All Acts and parts of Acts in conflict with this Act are hereby
2 repealed.



- 1 Introduced by Mr. Roos, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judicial Department and Practice (when appointed).

A BILL

For an Act providing for the creation of additional branch Appellate Courts.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* The clerk of each Appellate Court shall
3 report in writing to the Supreme Court, whenever so directed by the judges of
4 the Appellate Court of which he is clerk, the number of cases docketed and pend-
5 ing and subject to hearing and determination at that term of said Appellate
6 Court.

Sec. 2. Whenever the number of cases reported as pending and subject to
2 hearing and determination in any Appellate Court shall exceed the number of 250
3 for that Appellate Court and for each branch thereof then existing, and the judges
4 of such Appellate Court or a majority of them shall in writing so request the Su-
5 preme Court, it shall be the duty of the Supreme Court to forthwith designate and
6 assign three other judges of the circuit courts of the State, or of the Superior
7 Court of Cook County to duty in said Appellate Court. The three additional

8 judges so designated and assigned shall, as soon as practicable, meet, organize
9 and constitute an additional branch of the Appellate Court to which they shall
10 have been assigned to duty; and the branch so constituted shall proceed to hear
11 and determine, according to law and justice and the rules of said Appellate Court,
12 all such cases and matters as shall or may be assigned to it by said Appellate
13 Court, not exceeding in number its fair proportion of causes pending in said Ap-
14 pellate Court.

Sec. 3. All the provisions made for branch Appellate Courts by an Act en-
2 titled, "An Act to amend an Act entitled, 'An Act to establish Appellate Courts,'
3 approved June 2, 1877, and providing for the creation of branch Appellate
4 Courts," approved and in force June 2, 1897, shall thereupon apply to any such
5 additional branch Appellate Court established under this Act.

Sec. 4. Whenever the term for which judges are assigned to duty in any
2 branch Appellate Court shall expire, the Supreme Court shall, before assigning
3 any judges to duty in such branch Appellate Court, require the clerk to certify to
4 it the number of cases pending and undetermined in such Appellate Court; and
5 the Supreme Court shall not assign any judges to duty in any branch Appellate
6 Court if the number of cases so reported pending shall not exceed 250 for said
7 Appellate Court and for each branch thereof existing before making such assign-
8 ment. Whenever any branch Appellate Court appointed under this Act shall have
9 determined all cases and matters assigned to it by the Appellate Court of the
10 District in which said branch court shall be constituted, it shall be the duty of
11 the judges of such branch court to return to their usual judicial duties until the
12 next succeeding term of said Appellate Court and until requested by said Appel-
13 late Court to resume duty in said branch court, and when so requested by said
14 Appellate Court, it shall be their duty forthwith to resume and perform duty in
15 their branch court.

Sec. 5. Whenever any judge residing in a county having a population of
2 less than 150,000 shall be assigned or required by the Supreme Court to serve as
3 a judge in an Appellate Court sitting in a county having a population of more
4 than 150,000, there shall be paid to such judge, out of the county treasury of the
5 county in which is held the Appellate Court to which he is assigned, for his reason-
6 able expenses, \$15 a day for the time he shall actually spend in the county to
7 which he is so assigned in hearing and determining cases in such Appellate Court,
8 or any branch thereof, to which he has been so assigned.

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- 1 Introduced by Mr. Ryan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).
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A BILL

For an Act to amend Section fifty (50) of Article IX of an Act entitled, "An Act to provide for the incorporation of cities and villages," approved April 10, 1872, in force July 1, 1872, as amended by subsequent Acts.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section fifty (50) of Article IX of
3 an Act entitled, "An Act to provide for the incorporation of cities and villages,"
4 approved April 10, 1872, in force July 1, 1872, as amended by subsequent Acts,
5 be, and the same is hereby amended so as to read as follows:

6 Sec. 50. Any work or other public improvement, except any work or public
7 improvement to be paid for in whole or in part by a special assessment shall,
8 when the expense thereof shall exceed \$500, either be constructed by contract
9 let to the lowest responsible bidder in the manner prescribed by ordinance
10 (*Provided, however, any such contract may be entered into by the proper officers*
11 *without advertising for bids, by a vote of two-thirds of all the aldermen or trus-*

tees elected;) or such work or other public improvement shall be constructed in the following manner, by a vote of two-thirds of all the aldermen or trustees elected, to-wit:

The Commissioner of Public Works or other proper officers to be designated by ordinance, shall superintend and cause to be carried out the construction of such work or other public improvement and shall employ for the performance of all manual labor thereon, exclusively laborers and artisans whom the city or village shall pay by the day or hour, and all material of the value of \$500 and upward using in the construction of such work or other public improvement, shall be purchased by contract let to the lowest responsible bidder in the manner to be prescribed by ordinance.

In every city which has adopted an Act entitled, "An Act to regulate the civil service of cities," approved and in force March 20, 1895, every such laborer and artisan shall be certified by the Civil Service Commission to the Commissioner of Public Works or other proper officer, in accordance with the requirements of said Act entitled, "An Act to regulate the Civil Service of Cities."

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- 1 Introduced by Mr. Scanlan, January 31, 1911.
 - 2 Read by title, ordered printed and referred to Committee on Judiciary, (when
appointed).

A BILL

For an Act to amend Section 33 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Act, approved May 17, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section 33 of an Act entitled, "An Act to revise the laws in relation to coal mines and subjects relating thereto, and providing for the health and safety of persons employed therein," approved April 18, 1899, in force July 1, 1899, as amended by Act approved May 17, 1907, in force July 1, 1907," be and the same is hereby amended to read as follows:

Sec. 33. Any wilful neglect, refusal or failure to do the things required to be done by any section clause or provision of this Act, on the part of the person or persons herein required to do them, or any violation of any of the provisions or requirements hereof, or any attempt to obstruct or interfere with any inspector in the discharge of the duties herein imposed upon him, or any refusal to

12 comply with the instructions of an inspector given by authority of this Act,
 13 shall be deemed a misdemeanor punishable by a fine not exceeding five hundred
 14 dollars or by imprisonment in the county jail for a period not exceeding six
 15 months, or both, at the discretion of the court: *Provided*, that in addition to the
 16 above penalties, in case of the failure of any operator to comply with the pro-
 17 visions of this Act in relation to the sinking of escapement shafts and the ven-
 18 tilation of mines, the State's Attorney for the county in which such failure
 19 occurs, or any other attorney in case of his neglect to act promptly, shall pro-
 20 ceed against such operator by injunction without bond, to restrain him from
 21 continuing to operate such mine until all legal requirements shall have been
 22 fully complied with.

23 Any inspector who shall discover that any section of this Act, or part
 24 thereof, is being neglected or violated, shall order immediate compliance there-
 25 with, and in case of continued failure to comply shall, through the State's Attor-
 26 ney, or any other attorney in case of his failure to act promptly, take the neces-
 27 sary legal steps to enforce compliance therewith through the penalties herein
 28 prescribed.

29 If it becomes necessary, through the refusal or failure of the State's Attor-
 30 ney to act, for any other attorney to appear for the state in any suit involving
 31 the enforcement of any provision of this Act, reasonable fees for the services
 32 of such attorney shall be allowed by the Board of Supervisors or County Com-
 33 missioners in and for the county in which such proceedings are instituted.

34 For any injury to person or property, occasioned by any wilful violations of
 35 this Act, or wilful failure to comply with any of its provisions, a right of action
 36 shall accrue to the party injured, for any direct damages sustained thereby; and
 37 in case of loss of life by reason of such wilful violation or wilful failure as afore-
 38 said, a right of action shall accrue to the *personal representatives* of the person
 39 so killed *for the exclusive benefit of the widow and next of kin of such person*
 40 and to any other person or persons who were, before such loss of life, dependent

41 for support on the person or persons so killed, for a like recovery of damages
42 for the injuries sustained by reason of such loss of life or lives not to exceed the
43 sum of ten thousand dollars: *Provided*, that every such action for damages in
44 case of death shall be commenced within one year after the death of such per-
45 son: *And, provided further, that the amount recovered by the personal repre-*
46 *sentatives of the person so killed shall be distributed to the widow and next of*
47 *kin of such person in the proportion provided by law in relation to the distribu-*
48 *tion of personal property left by persons dying intestate.*



- 1 Introduced by Mr. Scanlan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

For an Act amending Section one (1) of an Act entitled, "An Act requiring cities, villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, except to refund any existing bonded indebtedness, to the voters of any such city, village or incorporated town," approved June 4, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Section one (1) of an Act entitled, "An Act requiring cities, villages and incorporated towns to submit certain ordinances authorizing the issue of bonds, except to refund any existing bonded indebtedness, to the voters of any such city, village or incorporated town," approved June 4, 1909, in force July 1, 1909, be amended so as to read as follows:

Sec. 1. That hereafter no ordinance passed by the city council of any city, or board of trustees of any village or incorporated town, as the case may be, which provides for or authorizes the issue of bonds (except bonds to refund any

10 existing bonded indebtedness) *in excess of three-fifths of the total amount which*
11 *any such city or village or incorporated town, as the case may be, may be allowed*
12 *to become indebted by law*, shall become operative, effective or valid until any
13 such ordinance shall have been submitted to the voters of any such city or village
14 or incorporated town, as the case may be, at the next succeeding general or spe-
15 cial election, or any special election called for that purpose, and approved by a
16 majority of such voters voting upon the question.

- 1 Introduced by Mr. D. J. Sullivan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary, (when
appointed).

A BILL

For an Act in relation to the crime of conspiracy.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That if two or more persons conspire
3 and agree together to in any manner discriminate between persons seeking em-
4 ployment on account of the persons so seeking employment being members of
5 any organization or society, or to cause inquiries to be made of, or applications
6 to be signed by, such persons seeking employment respecting their membership
7 in any organization or society, with a view to impairing the opportunities of
8 such persons to obtain employment, or to blacklist or boycott such persons, the
9 persons so conspiring shall be liable to a penalty of not less than \$100 and not
10 more than \$5,000, and to be imprisoned in the penitentiary or county jail not
11 exceeding two years, the time and place of confinement and the amount of the
12 fine to be determined by the jury trying the cause.

-
- 1 Introduced by Mr. D. J. Sullivan, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Labor and Industrial Affairs (when appointed).
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A BILL

For an Act to amend an Act entitled, "An Act to secure to all persons freedom in the selection of an occupation, profession or employment," approved March 22, 1872.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That no person shall be precluded or debarred from any occupation, profession or employment (except military) on account of sex: Provided, however, that no female shall be employed at any employment requiring them to work with or near wheels or emory belts of any description, either leather, leather covered, felt, canvas paper, cotton, or wheels or belts rolled or coated with emery, corundum or cotton, or wheels used as buffs: And, provided, further, that this Act shall not be construed to affect the eligibility of any person to an elective office.*

AMENDMENT TO

47th G. A.

HOUSE BILL No. 109

1911



1 Adopted April 7, 1911.

AMENDMENT NO. 1.

Amend House Bill No. 109 by inserting after the word "belts" in line five
2 of Section one the words "when in motion."



- 1 Introduced by Mr. Wright, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation for extraordinary expenses of the Illinois State Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That the following sums be and are hereby appropriated to the Illinois State Normal University for the purposes herein stated:

5	For the year beginning July 1, 1911.	
6	For buildings, implements and stock upon the farm of the Illinois	
7	State Normal University.....	\$13,000.00
8	For pavement along grounds.....	4,000.00
9	For fire protection	1,200.00
10	For text-book library	7,000.00
11	For the year beginning July 1, 1912:	
12	For converting the old training school building into a library building.	\$15,000.00
13	For painting brick work of main building (re-appropriated)	600.00
14	Total	\$40,800.00

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrant upon the State Treasurer for the aforesaid sum of money
3 upon the order of the Board of Trustees of the said Illinois State Normal Uni-
4 versity, signed by the President and attested by the Secretary of said Board,
5 with corporate seal of said institution attached and approved by the Governor.



- 1 Introduced by Mr. Wright, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation to erect and complete a building for the Training School of the Illinois State Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be and hereby is appropriated to the Illinois State Normal University the sum of one hundred twenty-five
3 thousand (\$125,000) dollars, payable quarterly as may be needed, for the erection and completion of a suitable building for the Training School of said Normal University.
4
5
6

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrant upon the Treasurer for the aforesaid sum of money upon
3 the order of the Board of Education of the State of Illinois signed by the president and attested by the secretary of said Board with corporate seal of said
4 institution. Satisfactory vouchers in detail shall be filed quarterly with the Auditor of Public Accounts for the expenditures for the erection of said building during the preceding quarter.
5
6
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- 1 Introduced by Mr. Wright, January 31, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act to make an appropriation for the ordinary expenses of the Illinois State
Normal University.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That there be and hereby is appropri-
3 ated to the Illinois State Normal University, in addition to one-half of the in-
4 terest of the College and Seminary Fund, which is hereby appropriated, the
5 further sum of one hundred thirteen thousand (\$113,000) dollars per annum for
6 the two years beginning July 1, 1911, payable quarterly in advance, for the pay-
7 ment of salaries, for the expenses of the Board of Education, for ordinary repairs
8 on buildings and heating plants, for the purchase of fuel, water, and electric cur-
9 rent, for furniture, for school apparatus, for laboratory supplies, for care of the
10 grounds, and for incidental expenses.

Sec. 2. The Auditor of Public Accounts is hereby authorized and required
2 to draw his warrant upon the Treasurer for the aforesaid sum of money, upon
3 the order of the Board of Education of the State of Illinois, signed by the presi-

4 dent and attested by the secretary of said Board with corporate seal of said in-
5 stitution: *Provided*, that satisfactory vouchers in detail, approved by the Gov-
6 ernor, shall be filed quarterly with the Auditor of Public Accounts for the ex-
7 penditures, ordinary and extraordinary of the preceding quarter, and that no
8 part of the money herein appropriated shall be due and payable until such
9 vouchers shall have been filed.



- 1 Introduced by Mr. Abbott, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

A BILL

For an Act making an appropriation to provide for a deficiency in the equipment of the State Biological Laboratory.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the sum of Three Thousand Dollars
3 (\$3,000) or so much thereof as may be needed, be and is hereby appropriated to
4 meet a deficiency in the expenses for the equipment of the State Biological Lab-
5 oratory.

Sec. 2. The Auditor of Public Accounts is hereby authorized to draw his
2 warrants for the above amounts upon the State Treasurer, upon vouchers cer-
3 tified by the Board of Live Stock Commissioners, and approved by the Gov-
4 ernor.

Sec. 3. Whereas, an emergency exists, therefore, this Act shall take effect
2 and be in force from and after its passage.



- 1 Introduced by Mr. Burns, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Manufacturers
(when appointed).

A BILL

For an Act to make uniform the law of sales of goods.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:*

3 (1) A contract to sell goods is a contract whereby the seller agrees to
4 transfer the property in goods to the buyer for a consideration called the price.

5 (2) A sale of goods is an agreement whereby the seller transfers the prop-
6 erty in goods to the buyer for a consideration called the price.

7 (3) A contract to sell or a sale may be absolute or conditional.

8 (4) There may be a contract to sell or a sale between one part owner and
9 another.

Sec. 2. Capacity to buy and sell is regulated by the general law concern-
2 ing capacity to contract, and to transfer and acquire property.

3 Where necessaries are sold and delivered to an infant, or to a person who
4 by reason of mental incapacity or drunkenness is incompetent to contract, he
5 must pay a reasonable price therefor.

6 Necessaries in this section mean goods suitable to the condition in life of
7 such infant or other person, and to his actual requirements at the time of de-
8 livery.

Sec. 3. Subject to the provisions of this Act and of any statute in that
2 behalf, a contract to sell or a sale may be made in writing (either with or with-
3 out seal), or by word of mouth, or partly by word of mouth, or may be inferred
4 from the conduct of the parties.

Sec. 4. (1) A contract to sell or a sale of any goods or choses in action of
2 the value of five hundred dollars or upwards shall not be enforceable by action
3 unless the buyer shall accept part of the goods or choses in action so contracted
4 to be sold or sold, and actually receive the same, or give something in earnest to
5 bind the contract, or in part payment, or unless some note or memorandum in
6 writing of the contract or sale be signed by the party to be charged or his agent
7 in that behalf.

8 (2) The provisions of this section apply to every such contract or sale, not-
9 withstanding that the goods may be intended to be delivered at some future time
10 or may not at the time of such contract or sale be actually made, procured, or
11 provided, or fit or ready for delivery, or some act may be requisite for the mak-
12 ing or completing thereof, or rendering the same fit for delivery; but if the goods
13 are to be manufactured by the seller especially for the buyer and are not suitable
14 for sale to others in the ordinary course of the seller's business, the provisions
15 of this section shall not apply.

16 (3) There is an acceptance of goods within the meaning of this section
17 when the buyer, either before or after delivery of the goods, expresses by words
18 or conduct his assent to becoming the owner of those specific goods.

Sec. 5. (1) The goods which form the subject of a contract to sell may be
2 either existing goods, owned or possessed by the seller, or goods to be manu-
3 factured or acquired by the seller after the making of the contract to sell, in
4 this Act called "future goods."

5 (2) There may be a contract to sell goods, the acquisition of which by the
6 seller depends upon a contingency which may or may not happen.

7 (3) Where the parties purport to effect a present sale of future goods,
8 the agreement operates as a contract to sell the goods.

Sec. 6. (1) There may be a contract to sell or a sale of an undivided
2 share of goods. If the parties intend to effect a present sale, the buyer, by
3 force of the agreement, becomes an owner in common with the owner or owners
4 of the remaining shares.

5 (2) In the case of fungible goods, there may be a sale of an undivided share
6 of a specific mass, though the seller purports to sell and the buyer to buy a defi-
7 nite number, weight or measure of the goods in the mass, and though the num-
8 ber, weight or measure of the goods in the mass is undetermined. By such a
9 sale the buyer becomes owner in common of such a share of the mass as the
10 number, weight or measure bought bears to the number, weight or measure of
11 the mass. If the mass contains less than the number, weight or measure bought,
12 the buyer becomes the owner of the whole mass and the seller is bound to make
13 good the deficiency from similar goods unless a contrary intent appears.

Sec. 7. (1) Where the parties purport to sell specific goods, and the
2 goods without the knowledge of the seller have wholly perished at the time when
3 the agreement is made, the agreement is void.

4 (2) Where the parties purport to sell specific goods, and the goods without
5 knowledge of the seller have perished in part or have wholly or in a material
6 part so deteriorated in quality as to be substantially changed in character, the
7 buyer may at his option treat the sale—

8 (a) As avoided, or

9 (b) As transferring the property in all of the existing goods or in so much
10 thereof as have not deteriorated, and as binding the buyer to pay the full
11 agreed price if the sale was indivisible, or to pay the agreed price for the goods
12 in which the property passes if the sale was divisible.

Sec. 8. (1) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault on the part of the seller or the buyer, the goods wholly perish, the contract is thereby avoided.

(2) Where there is a contract to sell specific goods, and subsequently, but before the risk passes to the buyer, without any fault of the seller or the buyer, part of the goods perish or the whole or a material part of the goods so deteriorate in quality as to be substantially changed in character, the buyer may at his option treat the contract—

(a) As avoided, or

(b) As binding the seller to transfer the property in all of the existing goods or in so much thereof as have not deteriorated, and as binding the buyer to pay the full agreed price if the contract was indivisible, or to pay the agreed price for so much of the goods as the seller, by the buyer's option, is bound to transfer if the contract was divisible.

Sec. 9. (1) The price may be fixed by the contract, or may be left to be fixed in such manner as may be agreed, or it may be determined by the course of dealing between the parties.

(2) The price may be made payable in any personal property.

(3) Where transferring or promising to transfer any interest in real estate constitutes the whole or part of the consideration for transferring or for promising to transfer the property in goods, this Act shall not apply.

(4) Where the price is not determined in accordance with the foregoing provisions the buyer must pay a reasonable price. What is a reasonable price is a question of fact dependent on the circumstances of each particular case.

Sec. 10. (1) Where there is a contract to sell or a sale of goods at a price or on terms to be fixed by a third person, and such third person without fault of the seller or the buyer, cannot or does not fix the price or terms, the

4 contract or the sale is thereby avoided; but if the goods or any part thereof
5 have been delivered to and appropriated by the buyer he must pay a reasonable
6 price therefor.

7 (2) Where such third person is prevented from fixing the price or terms
8 by fault of the seller or the buyer, the party not in fault may have such reme-
9 dies against the party in fault as are allowed by Parts IV and V of this Act.

Sec. 11. (1) Where the obligation of either party to a contract to sell or
2 a sale is subject to any condition which is not performed, such party may refuse
3 to proceed with the contract or sale or he may waive performance of the condi-
4 tion. If the other party has promised that the condition should happen or be
5 performed, such first mentioned party may also treat the non-performance of
6 the condition as a breach of warranty.

7 (2) Where the property in the goods has not passed, the buyer may treat
8 the fulfillment by the seller of his obligation to furnish goods as described and
9 as warranted expressly or by implication in the contract to sell as a condition
10 of the obligation of the buyer to perform his promise to accept and pay for the
11 goods.

Sec. 12. Any affirmation of fact or any promise by the seller relating to
2 the goods is an express warranty if the natural tendency of such affirmation or
3 promise is to induce the buyer to purchase the goods, and if the buyer purchases
4 the goods relying thereon. No affirmation of the value of the goods, nor
5 any statement purporting to be a statement of the seller's opinion only shall be
6 construed as a warranty.

Sec. 13. In a contract to sell or a sale, unless a contrary intention ap-
2 pears, there is—

3 (1) An implied warranty on the part of the seller that in case of a sale he
4 has a right to sell the goods, and that in case of a contract to sell he will have
5 a right to sell the goods at the time when the property is to pass;

6 (2) An implied warranty that the buyer shall have and enjoy quiet pos-
7 session of the goods as against any lawful claims existing at the time of the sale;

8 (3) An implied warranty that the goods shall be free at the time of the
9 sale from any charge or encumbrance in favor of any third person, not declared
10 or known to the buyer before or at the time when the contract or sale is made.

11 (4) This section shall not, however, be held to render liable a sheriff, auc-
12 tioneer, mortgagee, or other person professing to sell by virtue of authority in
13 fact or law goods in which a third person has a legal or equitable interest.

Sec. 14. Where there is a contract to sell or a sale of goods by description,
2 there is an implied warranty that the goods shall correspond with the descrip-
3 tion, and if the contract or sale be by sample, as well as by description, it is
4 not sufficient that the bulk of the goods corresponds with the sample if the
5 goods corresponds with the sample if the goods do not also correspond with the
6 description.

Sec. 15. Subject to the provisions of this Act and of any statute in that be-
2 half, there is no implied warranty or condition as to the quality or fitness for
3 any particular purpose of goods supplied under a contract to sell or a sale,
4 except as follows:

5 (1) Where the buyer, expressly or by implication, makes known to the
6 seller the particular purpose for which the goods are required, and it appears
7 that the buyer relies on the seller's skill or judgment (whether he be the grower
8 or manufacturer or not), there is an implied warranty that the goods shall be
9 reasonably fit for such purpose.

10 (2) Where the goods are bought by description from a seller who deals in
11 goods of that description (whether he be the grower or manufacturer or not),
12 there is an implied warranty that the goods shall be of merchantable quality.

13 (3) If the buyer has examined the goods, there is no implied warranty as
14 regards defects which such examination ought to have revealed.

15 (4) In the case of a contract to sell or a sale of a specified article under
16 its patent or other trade name, there is no implied warranty as to its fitness for
17 any particular purpose.

18 (5) An implied warranty or condition as to quality or fitness for a par-
19 ticular purpose may be annexed by the usage of trade.

20 (6) An express warranty or condition does not negative a warranty or
21 condition implied under this Act unless inconsistent therewith.

Sec. 16. In the case of a contract to sell or a sale by sample:

2 (a) There is an implied warranty that the bulk shall correspond with the
3 sample in quality.

4 (b) There is an implied warranty that the buyer shall have a reasonable
5 opportunity of comparing the bulk with the sample, except so far as otherwise
6 provided in Section 47 (3).

7 (c) If the seller is a dealer in goods of that kind there is an implied war-
8 ranty that the goods shall be free from any defect rendering them unmerchant-
9 able, which would not be apparent on reasonable examination of the sample.

Sec. 17. Where there is a contract to sell unascertained goods no property
2 in the goods is transferred to the buyer unless and until the goods are ascer-
3 tained, but property in an undivided share of ascertained goods may be trans-
4 ferred, as provided in Section 6.

Sec. 18. (1) Where there is a contract to sell specific or ascertained
2 goods, the property in them is transferred to the buyer at such time as the par-
3 ties to the contract intend it to be transferred.

4 (2) For the purpose of ascertaining the intention of the parties, regard
5 shall be had to the terms of the contract, the conduct of the parties, usages of
6 trade and the circumstances of the case.

Sec. 19. Unless a different intention appears, the following are rules for
 2 ascertaining the intention of the parties as to the time at which the property in
 3 the goods is to pass to the buyer.

4 Rule 1—Where there is an unconditional contract to sell specific goods, in
 5 a deliverable state, the property in the goods passes to the buyer when the con-
 6 tract is made, and it is immaterial whether the time of payment, or the time of
 7 delivery, or both, be postponed.

8 Rule 2—Where there is a contract to sell specific goods and the seller is
 9 bound to do something to the goods, for the purpose of putting them into a de-
 10 liverable state, the property does not pass until such thing be done.

11 Rule 3—(1) When goods are delivered to the buyer “on sale or return,”
 12 or on other terms indicating an intention to make a present sale, but to give the
 13 buyer an option to return the goods instead of paying the price, the property
 14 passes to the buyer on delivery, but he may revest the property in the seller by
 15 returning or tendering the goods within the time fixed in the contract, or, if no
 16 time has been fixed, within a reasonable time.

17 (2) When goods are delivered to the buyer on approval or on trial or on
 18 satisfaction, or other similar terms, the property therein passes to the buyer—

19 (a) When he signifies his approval or acceptance to the seller or does any
 20 other act adopting the transaction;

21 (b) If he does not signify his approval or acceptance to the seller, but
 22 retains the goods without giving notice of rejection, then if a time has been fixed
 23 for the return of the goods, on the expiration of such time, and if no time has
 24 been fixed, on the expiration of a reasonable time. What is a reasonable time
 25 is a question of fact.

26 Rule 4—(1) Where there is a contract to sell unascertained or future
 27 goods by description, and goods of that description and in a deliverable state
 28 are unconditionally appropriated to the contract, either by the seller with the
 29 assent of the buyer, or by the buyer with the assent of the seller, the property
 30 in the goods thereupon passes to the buyer. Such assent may be expressed or

31 implied, and may be given either before or after the appropriation is made.

32 (2) Where, in pursuance of a contract to sell, the seller delivers the goods
 33 to the buyer, or to a carrier or other bailee (whether named by the buyer or
 34 not) for the purpose of transmission to or holding for the buyer, he is pre-
 35 sumed to have unconditionally appropriated the goods to the contract, except
 36 in the cases provided for in the next rule and in section 20. This presumption is
 37 applicable, although by the terms of the contract, the buyer is to pay the price
 38 before receiving delivery of the goods, and the goods are marked with the words
 39 “collect on delivery” or their equivalents.

40 Rule 5—If the contract to sell requires the seller to deliver the goods to the
 41 buyer, or at a particular place, or to pay the freight or cost of transportation
 42 to the buyer, or to a particular place, the property does not pass until the goods
 43 have been delivered to the buyer or reached the place agreed upon.

Sec. 20. (1) Where there is a contract to sell specific goods, or where
 2 goods are subsequently appropriated to the contract, the seller may, by the terms
 3 of the contract or appropriation, reserve the right of possession or property in
 4 the goods until certain conditions have been fulfilled. The right of possession or
 5 property may be thus reserved notwithstanding the delivery of the goods to the
 6 buyer or to a carrier or other bailee for the purpose of transmission to the buyer.

7 (2) Where goods are shipped, and by the bill of lading the goods are de-
 8 liverable to the seller or his agent, or to the order of the seller or of his agent,
 9 the seller thereby reserves the property in the goods. But if, except for the form
 10 of the bill of lading, the property would have passed to the buyer on shipment
 11 of the goods, the seller’s property in the goods shall be deemed to be only for
 12 the purpose of securing performance by the buyer of his obligations under the
 13 contract.

14 (3) Where goods are shipped, and by the bill of lading the goods are de-
 15 liverable to the order of the buyer or of his agent, but possession of the bill of

16. Lading is retained by the seller or his agent, the seller thereby reserves a right to
 17 the possession of the goods as against the buyer.

18 (4) Where the seller of goods draws on the buyer for the price and trans-
 19 mits the bill of exchange and the bill of lading together to the buyer to secure
 20 acceptance or payment of the bill of exchange, the buyer is bound to return the
 21 bill of lading if he does not honor the bill of exchange, and if he wrongfully
 22 retains the bill of lading he acquires no added right thereby. If, however, the
 23 bill of lading provides that the goods are deliverable to the buyer or to the order
 24 of the buyer, or is indorsed in blank, or to the buyer by the consignee named
 25 therein, one who purchases in good faith, for value, the bill of lading, or goods
 26 from the buyer will obtain the property in the goods, although the bill of ex-
 27 change has not been honored, provided that such purchaser has received deliv-
 28 ery of the bill of lading indorsed by the consignee named therein, or of the
 29 goods, without notice of the facts making the transfer wrongful.

Sec. 21. In the case of sale by auction—

2 (1) Where goods are put up for sale by auction in lots, each lot is the sub-
 3 ject of a separate contract of sale.

4 (2) A sale by auction is complete when the auctioneer announces its
 5 completion by the fall of the hammer, or in other customary manner. Until such
 6 announcement is made, any bidder may retract his bid; and the auctioneer may
 7 withdraw the goods from sale unless the auction has been announced to be with-
 8 out reserve.

9 (3) A right to bid may be reserved expressly by or on behalf of the seller.

10 (4) Where notice has not been given that a sale by auction is subject to a
 11 right to bid on behalf of the seller, it shall not be lawful for the seller to bid
 12 himself or to employ or induce any person to bid at such sale on his behalf, or
 13 for the auctioneer to employ or induce any person to bid at such sale on behalf
 14 of the seller or knowingly to take any bid from the seller or any person em-
 15 ployed by him. Any sale contravening this rule may be treated as fraudulent
 16 by the buyer.

Sec. 22. Unless otherwise agreed, the goods remain at the seller's risk
 2 until the property therein is transferred to the buyer, but when the property
 3 therein is transferred to the buyer the goods are at the buyer's risk whether de-
 4 livery has been made or not, except that—

5 (a) Where delivery of the goods has been made to the buyer, or to a bailee
 6 for the buyer, in pursuance of the contract and the property in the goods has
 7 been retained by the seller merely to secure performance by the buyer of his ob-
 8 ligations under the contract, the goods are at the buyer's risk from the time of
 9 such delivery.

10 (b) Where delivery has been delayed through the fault of either buyer or
 11 seller the goods are at the risk of the party in fault as regards any loss which
 12 might not have occurred but for such fault.

Sec. 23. (1) Subject to the provisions of this act, where goods are sold by
 2 a person who is not the owner thereof, and who does not sell them under the
 3 authority or with the consent of the owner, the buyer acquires no better title to
 4 the goods than the seller had, unless the owner of the goods is by his conduct
 5 precluded from denying the seller's authority to sell.

6 (2) Nothing in this act, however, shall affect—

7 (a) The provisions of any factors' acts, recording acts, or any enactment
 8 enabling the apparent owner of goods to dispose of them as if he were the true
 9 owner thereof.

10 (b) The validity of any contract to sell or sale under any special common
 11 law or statutory power of sale or under the order of a court of competent jur-
 12 isdiction.

Sec. 24. Where the seller of goods has a voidable title thereto, but his title
 2 has not been avoided at the time of the sale, the buyer acquires a good title to
 3 goods, provided he buys them in good faith, for value, and without notice of the
 4 seller's defect of title.

Sec. 25. Where a person having sold goods continues in possession of the
 2 goods, or of negotiable documents of title to the goods, the delivery or transfer
 3 by that person, or by an agent acting for him, of the goods or documents of title
 4 under any sale, pledge, or other disposition thereof, to any person receiving and
 5 paying value for the same in good faith and without notice of the previous
 6 sale, shall have the same effect as if the person making the delivery or transfer
 7 were expressly authorized by the owner of the goods to make the same.

Sec. 26. Where a person having sold goods continues in possession of the
 2 goods, or of negotiable documents of title to the goods and such retention of pos-
 3 session is fraudulent in fact or is deemed fraudulent under any rule of law, a
 4 creditor or creditors of the seller may treat the sale as void.

Sec. 27. A document of title in which it is stated that the goods referred to
 2 therein will be delivered to the bearer, or to the order of any person named in
 3 such document is a negotiable document of title.

Sec. 28. A negotiable document of title may be negotiated by delivery,—

2 (a) Where by the terms of the document the carrier, warehouseman or
 3 other bailee issuing the same undertakes to deliver the goods to the bearer, or

4 (b) Where by the terms of the document the carrier, warehouseman or
 5 other bailee issuing the same undertakes to deliver the goods to the order of a
 6 specified person, and such person or a subsequent indorsee of the document has
 7 indorsed it in blank or to bearer.

8 Where by the terms of a negotiable document of title the goods are deliver-
 9 able to bearer or where a negotiable document of title has been indorsed in blank
 10 or to bearer, any holder may indorse the same to himself or to any other speci-
 11 fied person, and in such case the document shall thereafter be negotiated only
 12 by the indorsement of such indorsee.

Sec. 29. A negotiable document of title may be negotiated by the indorse-
 2 ment of the person to whose order the goods are by the terms of the document
 3 deliverable. Such indorsement may be in blank, to bearer or to a specified per-
 4 son. If indorsed to a specified person, it may be again negotiated by the in-
 5 dorsement of such person in blank, to bearer or to another specified person.
 6 Subsequent negotiation may be made in like manner.

Sec. 30. If a document of title which contains an undertaking by a carrier,
 2 warehouseman or other bailee to deliver the goods to the bearer, to a specified
 3 person or order, or to the order of a specified person, or which contains words
 4 like import, has placed upon it the words "not negotiable," "non-negotiable" or
 5 the like, such a document may nevertheless be negotiated by the holder and is a
 6 negotiable document of title within the meaning of this act. But nothing in this
 7 act contained shall be construed as limiting or defining the effect upon the obli-
 8 gations of the carrier, warehouseman, or other bailee issuing a document of
 9 title of placing thereon the words "not negotiable," "non-negotiable," or the
 10 like.

Sec. 31. A document of title which is not in such form that it can be nego-
 2 tiated by delivery may be transferred by the holder by delivery to a purchaser
 3 or donee. A non-negotiable document cannot be negotiated and the indorse-
 4 ment of such a document gives the transferee no additional right.

Sec. 32. A negotiable document of title may be negotiated—
 2 (a) By the owner thereof, or
 3 (b) By any person to whom the possession or custody of the document
 4 has been entrusted by the owner, if, by the terms of the document the bailee
 5 issuing the document undertakes to deliver the goods to the order of the per-
 6 son to whom the possession or custody of the document has been entrusted, or
 7 if at the time of the entrustment the document is in such form that it may
 8 be negotiated by delivery.

Sec. 33. A person to whom a negotiable document of title has been duly
2 negotiated acquires thereby,

3 (a) Such title to the goods as the person negotiating the document to him
4 had or had ability to convey to a purchaser in good faith for value and also
5 title to the goods as the person to whose order the goods were to be delivered
6 by the terms of the document had or had ability to convey to a purchaser in
7 good faith for value, and

8 (b) The direct obligation of the bailee issuing the document to hold pos-
9 session of the goods for him according to the terms of the document as fully as
10 if such bailee had contracted directly with him.

Sec. 34. A person to whom a document of title has been transferred, but
2 not negotiated, acquires thereby, as against the transferor, the title to the
3 goods, subject to the terms of any agreement with the transferor.

4 If the document is non-negotiable, such person also acquires the right to
5 notify the bailee who issued the document of the transfer thereof, and thereby
6 to acquire the direct obligation of such bailee to hold possession of the goods
7 for him according to the terms of the document.

8 Prior to the notification of such bailee by the transferor or transferee of a
9 non-negotiable document of title, the title of the transferee to the goods and the
10 right to acquire the obligation of such bailee may be defeated by the levy of an
11 attachment or execution upon the goods by a creditor of the transferor, or by
12 a notification to such bailee by the transferor or a subsequent purchaser from
13 the transferor of a subsequent sale of the goods by the transferor.

Sec. 35. Where a negotiable document of title is transferred for value by
2 delivery, and the indorsement of the transferor is essential for negotiation, the
3 transferee acquires a right against the transferor to compel him to indorse the
4 document unless a contrary intention appears. The negotiation shall take effect
5 as of the time when the indorsement is actually made.

Sec. 36. A person who for value negotiates or transfers a document of title by indorsement or delivery, including one who assigns for value a claim secured by a document of title unless a contrary intention appears, warrants:

- 4 (a) That the document is genuine;
- 5 (b) That he has a legal right to negotiate or transfer it;
- 6 (c) That he has knowledge of no fact which would impair the validity or
- 7 worth of the document, and
- 8 (d) That he has a right to transfer the title to the goods and that the goods
- 9 are merchantable or fit for a particular purpose, whenever such warranties
- 10 would have been implied if the contract of the parties had been to transfer with-
- 11 out a document of title the goods represented thereby.

Sec. 37. The indorsement of a document of title shall not make the indorser liable for any failure on the part of the bailee who issued the document or previous indorsers thereof to fulfill their respective obligations.

Sec. 38. The validity of the negotiation of a negotiable document of title is not impaired by the fact that the negotiation was a breach of duty on the part of the person making the negotiation, or by the fact that the owner of the document was induced by fraud, mistake or duress to entrust the possession or custody thereof to such person, if the person to whom the document was subsequently negotiated paid value therefor, without notice of the breach of duty, or fraud, mistake or duress.

Sec. 39. If goods are delivered to a bailee by the owner or by a person whose act in conveying the title to them to a purchaser in good faith for value would bind the owner and a negotiable document of title is issued for them they cannot thereafter, while in the possession of such bailee, be attached by garnishment or otherwise or be levied upon under an execution unless the document be first surrendered to the bailee or its negotiation enjoined. The bailee shall in no

7 case be compelled to deliver up the actual possession of the goods until the docu-
8 ment is surrendered to him or impounded by the court.

Sec. 40. A creditor whose debtor is the owner of a negotiable document of
2 title shall be entitled to such aid from courts of appropriate jurisdiction by in-
3 junction and otherwise in attaching such document or in satisfying the claim by
4 means thereof as is allowed at law or in equity in regard to property which can-
5 not readily be attached or levied upon by ordinary legal process.

Sec. 41. It is the duty of the seller to deliver the goods, and of the buyer
2 to accept and pay for them, in accordance with the terms of the contract to sell
3 or sale.

Sec. 42. Unless otherwise agreed, delivery of the goods and payment of
2 the price are concurrent conditions; that is to say, the seller must be ready and
3 willing to give possession of the goods to the buyer in exchange for the price
4 and the buyer must be ready and willing to pay the price in exchange for pos-
5 session of the goods.

Sec. 43. (1) Whether it is for the buyer to take possession of the goods
2 or for the seller to send them to the buyer is a question depending in each case on
3 the contract, express or implied, between the parties. Apart from any such con-
4 tract, express or implied, or usage of trade to the contrary, the place of deliv-
5 ery is the seller's place of business if he have one, and if not his residence; but
6 in case of a contract to sell or a sale of specific goods, which to the knowledge
7 of the parties when the contract or the sale was made were in some other place,
8 then that place is the place of delivery.

9 (2) Where by a contract to sell or a sale the seller is bound to send the
10 goods to the buyer, but no time for sending them is fixed, the seller is bound to
11 send them within a reasonable time.

12 (3) Where the goods at the time of sale are in possession of a third per-
13 son, the seller has not fulfilled his obligation to deliver to the buyer unless and

14 until such third person acknowledges to the buyer that he holds the goods on the
15 buyer's behalf; but as against all others than the seller the buyer shall be re-
16 garded as having received delivery from the time when such third person first
17 has notice of the sale. Nothing in this section, however, shall affect the opera-
18 tion of the issue or transfer of any document of title to goods.

19 (4) Demand or tender of delivery may be treated as ineffectual unless
20 made at a reasonable hour. What is a reasonable hour is a question of fact.

21 (5) Unless otherwise agreed, the expenses of and incidental to putting
22 the goods into a deliverable state must be borne by the seller.

Sec. 44. (1) Where the seller delivers to the buyer a quantity of goods
2 less than he contracted to sell, the buyer may reject them, but if the buyer ac-
3 cepts or retains the goods so delivered, knowing that the seller is not going to
4 perform the contract in full, he must pay for them at the contract rate. If, how-
5 ever, the buyer has used or disposed of the goods delivered before he knows that
6 the seller is not going to perform his contract in full, the buyer shall not be liable
7 for more than the fair value to him of the goods so received.

8 (2) Where the seller delivers to the buyer a quantity of goods larger than
9 he contracted to sell, the buyer may accept the goods included in the contract and
10 reject the rest, or he may reject the whole. If the buyer accepts the whole of the
11 goods so delivered he must pay for them at the contract rate.

12 (3) Where the seller delivers to the buyer the goods he contracted to sell
13 mixed with goods of a different description not included in the contract, the
14 buyer may accept the goods which are in accordance with the contract and re-
15 ject the rest, or he may reject the whole.

16 (4) The provisions of this section are subject to any usage of trade, spe-
17 cial agreement, or course of dealing between the parties.

Sec. 45. (1) Unless otherwise agreed, the buyer of goods is not bound to
2 accept delivery thereof by instalments.

3 (2) Where there is a contract to sell goods to be delivered by stated instal-

4 ments, which are to be separately paid for, and the seller makes defective de-
 5 liveries in respect of one or more instalments, or the buyer neglects or refuses to
 6 take delivery of or pay for one or more instalments, it depends in each case on
 7 the terms of the contract and the circumstances of the case, whether the breach
 8 of contract is so material as to justify the injured party in refusing to proceed
 9 further and suing for damages for breach of the entire contract, or whether the
 10 breach is severable, giving rise to a claim for compensation, but not to a right
 11 to treat the whole contract as broken.

Sec. 46. (1) Where, in pursuance of a contract to sell or a sale, the seller
 2 is authorized or required to send the goods to the buyer, delivery of the goods
 3 to a carrier, whether named by the buyer or not, for the purpose of transmis-
 4 sion to the buyer is deemed to be a delivery of the goods to the buyer, except
 5 in the cases provided for in section 19, Rule 5, or unless a contrary intent ap-
 6 pears.

7 (2) Unless otherwise authorized by the buyer, the seller must make such
 8 contract with the carrier on behalf of the buyer as may be reasonable, having
 9 regard to the nature of the goods and the other circumstances of the case. If
 10 the seller omit so to do, and the goods are lost or damaged in course of transit,
 11 the buyer may decline to treat the delivery to the carrier as a delivery to him-
 12 self, or may hold the seller responsible in damages.

13 (3) Unless otherwise agreed, where goods are sent by the seller to the
 14 buyer under circumstances in which the seller knows or ought to know that
 15 it is usual to insure, the seller must give such notice to the buyer as may enable
 16 him to insure them during their transit, and, if the seller fails to do so, the goods
 17 shall be deemed to be at his risk during such transit.

Sec. 47. (1) Where goods are delivered to the buyer, which he has not
 2 previously examined, he is not deemed to have accepted them unless and un-
 3 til he has had a reasonable opportunity of examining them for the purpose of

4 ascertaining whether they are in conformity with the contract.

5 (2) Unless otherwise agreed, when the seller tenders delivery of goods to
6 the buyer, he is bound, on request, to afford the buyer a reasonable opportunity
7 of examining the goods for the purpose of ascertaining whether they are in con-
8 formity with the contract.

9 (3) Where goods are delivered to a carrier by the seller, in accordance
10 with an order from or agreement with the buyer, upon the terms that the goods
11 shall not be delivered by the carrier to the buyer until he has paid the price,
12 whether such terms are indicated by marking the goods with the words "collect
13 on delivery," or otherwise, the buyer is not entitled to examine the goods before
14 payment of the price in the absence of agreement permitting such examination.

Sec. 48. The buyer is deemed to have accepted the goods when he inti-
2 mates to the seller that he has accepted them, or when the goods have been de-
3 livered to him, and he does any act in relation to them which is inconsistent with
4 the ownership of the seller, or when, after the lapse of a reasonable time, he
5 retains the goods without intimating to the seller that he has rejected them.

Sec. 49. In the absence of express or implied agreement of the parties,
2 acceptance of the goods by the buyer shall not discharge the seller from liabil-
3 ity in damages or other legal remedy for breach of any promise or warranty in
4 the contract to sell or the sale. But, if, after acceptance of the goods, the buyer
5 fail to give notice to the seller of the breach of any promise or warranty within a
6 reasonable time after the buyer knows, or ought to know of such breach, the
7 seller shall not be liable therefor.

Sec. 50. Unless otherwise agreed, where goods are delivered to the buyer,
2 and he refuses to accept them, having the right so to do, he is not bound to re-
3 turn them to the seller, but it is sufficient if he notifies the seller that he refuses
4 to accept them.

Sec. 51. When the seller is ready and willing to deliver the goods, and requests the buyer to take delivery, and the buyer does not within a reasonable time after such request take delivery of the goods, he is liable to the seller for any loss occasioned by his neglect or refusal to take delivery, and also for a reasonable charge for the care and custody of the goods. If the neglect or refusal of the buyer to take delivery amounts to a repudiation or breach of the entire contract, the seller shall have the rights against the goods and on the contract hereinafter provided in favor of the seller when the buyer is in default.

Sec. 52. (1) The seller of goods is deemed to be an unpaid seller within the meaning of this act—

(a) When the whole of the price has not been paid or tendered.

(b) When a bill of exchange or other negotiable instrument has been received as conditional payment, and the condition on which it was received has been broken by reason of the dishonor of the instrument, the insolvency of the buyer, or otherwise.

(2) In this part of this Act the term “seller” includes an agent of the seller to whom the bill of lading has been indorsed, or a consignor or agent who has himself paid, or is directly responsible for, the price, or any other person who is in the position of a seller.

Sec. 53. (1) Subject to the provisions of this Act, notwithstanding that the property in the goods may have passed to the buyer, the unpaid seller of goods, as such, has—

(a) A lien on the goods or right to retain them for the price while he is in possession of them;

(b) In case of the insolvency of the buyer, a right of stopping the goods in transitu after he has parted with the possession of them;

(c) A right of resale as limited by this Act.

(d) A right to rescind the sale as limited by this Act.

10 (2) Where the property in goods has not passed to the buyer, the unpaid
 11 seller has, in addition to his other remedies, a right of withholding delivery
 12 similar to and coextensive with his rights of lien and stoppage in transitu where
 13 the property has passed to the buyer.

Sec. 54—(1) Subject to the provisions of this Act, the unpaid seller of
 2 goods who is in possession of them is entitled to retain possession of them until
 3 payment or tender of the price in the following cases, namely:

4 (a) Where the goods have been sold without any stipulation as to credit;

5 (b) Where the goods have been sold on credit, but the term of credit has
 6 expired;

7 (c) Where the buyer becomes insolvent.

8 (2) The seller may exercise his right of lien notwithstanding that he is
 9 in possession of the goods as agent or bailee for the buyer.

Sec. 55. Where an unpaid seller has made part delivery of the goods he
 2 may exercise his right of lien on the remainder, unless such part delivery has been
 3 made under such circumstances as to show an intent to waive the lien or right
 4 of retention.

Sec. 56—(1) The unpaid seller of goods loses his lien thereon—

2 (a) When he delivers the goods to a carrier or other bailee for the pur-
 3 pose of transmission to the buyer without reserving the property in the goods
 4 or the right to the possession thereof;

5 (b) When the buyer or his agent lawfully obtains possession of the goods;

6 (c) By waiver thereof.

7 (2) The unpaid seller of goods, having a lien thereon, does not lose his
 8 lien by reason only that he has obtained judgment or decree for the price of the
 9 goods.

Sec. 57. Subject to the provisions of this Act, when the buyer of goods is
 2 or becomes insolvent, the unpaid seller who has parted with the possession of

3 the goods has the right of stopping them in transitu, that is to say, he may
 4 resume possession of the goods at any time while they are in transit, and he
 5 will then become entitled to the same rights in regard to the goods as he would
 6 have had if he had never parted with the possession.

Sec. 58—(1) Goods are in transit within the meaning of Section 57—

2 (a) From the time when they are delivered to a carrier by land or water, or
 3 other bailee for the purpose of transmission to the buyer, until the buyer, or
 4 his agent in that behalf, takes delivery of them from such carrier or other
 5 bailee;

6 (b) If the goods are rejected by the buyer, and the carrier or other bailee
 7 continues in possession of them, even if the seller has refused to receive them back.

8 (2) Goods are no longer in transit within the meaning of Section 57,

9 (a) If the buyer, or his agent in that behalf, obtains delivery of the goods
 10 before their arrival at the appointed destination;

11 (b) If, after the arrival of the goods at the appointed destination, the car-
 12 rier or other bailee acknowledges to the buyer or his agent that he holds the
 13 goods on his behalf and continues in possession of them as bailee for the buyer
 14 or his agent; and it is immaterial that a further destination for the goods may
 15 have been indicated by the buyer;

16 (c) If the carrier or other bailee wrongfully refuses to deliver the goods
 17 to the buyer or his agent in that behalf.

18 (3) If goods are delivered to a ship chartered by the buyer, it is a question
 19 depending on the circumstances of the particular case, whether they are in the
 20 possession of the master as a carrier or as agent of the buyer.

21 (4) If part delivery of the goods has been made to the buyer, or his agent
 22 in that behalf, the remainder of the goods may be stopped in transitu, unless
 23 such part delivery has been made under such circumstances as to show an agree-
 ment with the buyer to give up possession of the whole of the goods.

Sec. 59—(1) The unpaid seller may exercise his right of stoppage in transitu either by obtaining actual possession of the goods or by giving notice of his claim to the carrier or other bailee in whose possession the goods are. Such notice may be given either to the person in actual possession of the goods or to his principal. In the latter case the notice, to be effectual, must be given at such time and under such circumstances that the principal, by the exercise of reasonable diligence may prevent a delivery to the buyer.

(2) When notice of stoppage in transitu is given by the seller to the carrier, or other bailee in possession of the goods, he must redeliver the goods to, or according to the directions of, the seller. The expenses of such delivery must be borne by the seller. If, however, a negotiable document of title representing the goods has been issued by the carrier or other bailee, he shall not be obliged to deliver or justified in delivering the goods to the seller unless such document is first surrendered for cancellation.

Sec. 60—(1) Where the goods are of a perishable nature, or where the seller expressly reserves the right of resale in case the buyer should make default, or where the buyer has been in default in the payment of the price an unreasonable time, an unpaid seller having a right of lien or having stopped the goods in transitu may resell the goods. He shall not thereafter be liable to the original buyer upon the contract to sell or the sale or for any profit made by such resale, but may recover from the buyer damages for any loss occasioned by the breach of the contract or the sale.

(2) Where a resale is made, as authorized in this section, the buyer acquires a good title as against the original buyer.

(3) It is not essential to the validity of a resale that notice of an intention to resell the goods be given by the seller to the original buyer. But where the right to resell is not based on the perishable nature of the goods or upon an express provision of the contract or the contract or the sale, the giving or failure to give such notice shall be relevant in any issue involving the question whether

16 the buyer had been in default an unreasonable time before the resale was made.

17 (4) It is not essential to the validity of a resale that notice of the time and
18 place of such resale should be given by the seller to the original buyer.

19 (5) The seller is bound to exercise reasonable care and judgment in mak-
20 ing a resale, and subject to this requirement may make a resale either by public
21 or private sale.

Sec. 61—(1) An unpaid seller having a right of lien or having stopped the
2 goods in transitu, may rescind the transfer of title and resume the property in
3 the goods, where he expressly reserved the right to do so in case the buyer
4 should make default, or where the buyer has been in default in the payment of
5 the price an unreasonable time. The seller shall not thereafter be liable to the
6 buyer upon the contract to sell or the sale, but may recover from the buyer
7 damages for any loss occasioned by the breach of the contract or the sale.

8 (2) The transfer of title shall not be held to have been rescinded by an
9 unpaid seller until he has manifested by notice to the buyer or by some other
10 overt act should be communicated to the buyer, but the giving or failure to give
11 notice to the buyer of the intention to rescind shall be relevant in any issue
12 involving the question whether the buyer had been in default an unreasonable
13 time before the right of rescission was asserted.

Sec. 62. Subject to the provisions of this Act, the unpaid seller's right of
2 lien or stoppage in transitu is not affected by any sale, or other disposition of
3 the goods which the buyer may have made, unless the seller has assented
4 thereto.

5 If, however, a negotiable document of title has been issued for goods, no
6 seller's lien or right of stoppage in transitu shall defeat the right of any pur-
7 chaser for value in good faith to whom such document has been negotiated,
8 whether such negotiation be prior or subsequent to the notification to the car-
9 rier, or other bailee who issued such document, of the seller's claim to a lien or
10 right of stoppage in transitu.

Sec. 63—(1) Where, under a contract to sell or a sale, the property in the goods has passed to the buyer, and the buyer wrongfully neglects or refuses to pay for the goods according to the terms of the contract or the sale, the seller may maintain an action against him for the price of the goods.

(2) Where, under a contract to sell or a sale, the price is payable on a day certain, irrespective of delivery or of transfer of title, and the buyer wrongfully neglects or refuses to pay such price, the seller may maintain an action for the price, although the property in the goods has not passed, and the goods have not been appropriated to the contract. But it shall be a defense to such an action that the seller at any time before judgment in such action has manifested an inability to perform the contract or the sale on his part or an intention not to perform it.

(3) Although the property in the goods has not passed, if they cannot readily be resold for a reasonable price, and if the provisions of Section 64 (4) are not applicable, the seller may offer to deliver the goods to the buyer, and if the buyer refuses to receive them, may notify the buyer that the goods are thereafter held by the seller as bailee for the buyer. Thereafter the seller may treat the goods as the buyer's and may maintain an action for the price.

Sec. 64—(1) Where the buyer wrongfully neglects or refuses to accept any pay for the goods, the seller may maintain an action against him for damages for non-acceptance.

(2) The measure of damages is the estimated loss directly and naturally resulting, in the ordinary course of events, from the buyer's breach of contract.

(3) Where there is an available market for the goods in question, the measure of damages is, in the absence of special circumstances, showing proximate damage of a greater amount, the difference between the contract price and the market or current price at the time or times when the goods ought to have been accepted, or, if no time was fixed for acceptance, then at the time of the refusal to accept.

12 (4) If, while labor or expense of material amount are necessary on the
 13 part of the seller to enable him to fulfill his obligations under the contract to
 14 sell or the sale, the buyer repudiates the contract or the sale, or notifies the
 15 seller to proceed no further therewith, the buyer shall be liable to the seller for
 16 no greater damages than the seller would have suffered if he did nothing to-
 17 wards carrying out the contract or the sale after receiving notice of the buyer's
 18 repudiation or countermand. The profit the seller would have made if the con-
 19 tract of the sale had been fully performed shall be considered in estimating
 20 such damages.

Sec. 65. Where the goods have not been delivered to the buyer, and the
 2 buyer has repudiated the contract to sell or sale, or has manifested his ina-
 3 bility to perform his obligations thereunder, or has committed a material breach
 4 thereof, the seller may totally rescind the contract or the sale by giving notice
 5 of his election so to do to the buyer.

Sec. 66. Where the property in the goods has passed to the buyer and
 2 the seller wrongfully neglects or refuses to deliver the goods, the buyer may
 3 maintain any action allowed by law to the owner of goods of similar kind when
 4 wrongfully converted or withheld.

Sec. 67—(1) Where the property in the goods has not passed to the buyer,
 2 and the seller wrongfully neglects or refuses to deliver the goods, the buyer
 3 may maintain an action against the seller for damages for non-delivery.

4 (2) The measure of damages is the loss directly and naturally resulting
 5 in the ordinary course of events from the seller's breach of contract.

6 (3) Where there is an available market for the goods in question, the
 7 measure of damages, in the absence of special circumstances showing proximate
 8 damages of a greater amount, is the difference between the contract price and
 9 the market or current price of the goods at the time or times when they ought
 10 to have been delivered, or, if no time was fixed, then at the time of the refusal
 11 to deliver.

Sec. 68. Where the seller has broken a contract to deliver specific or as-
 2 certain goods, a court having the powers of a court of equity may, if it thinks
 3 fit, on the application of the buyer, by its judgment or decree direct that the
 4 contract shall be performed specifically, without giving the seller the option of
 5 retaining the goods on payment of damages. The judgment or decree may be
 6 unconditional, or upon such terms and conditions as to damages, payment of
 7 the price and otherwise, as to the court may seem just.

Sec. 69—(1) Where there is a breach of warranty by the seller, the buyer
 2 may, at his election,

3 (a) Accept or keep the goods and set up against the seller the breach of
 4 warranty by way of recoupment in diminution or extinction of the price;

5 (b) Accept or keep the goods and maintain an action against the seller
 6 for damages for the breach of warranty;

7 (c) Refuse to accept the goods, if the property therein has not passed,
 8 and maintain an action against the seller for damages for the breach of war-
 9 ranty;

10 (d) Rescind the contract to sell or the sale and refuse to receive the goods,
 11 or if the goods have already been received, return them or offer to return them
 12 to the seller and recover the price or any part thereof which has been paid.

13 (2) When the buyer has claimed and been granted a remedy in any one of
 14 these ways, no other remedy can thereafter be granted.

15 (3) Where the goods have been delivered to the buyer, he cannot rescind
 16 the sale if he knew of the breach of warranty when he accepted the goods, or if
 17 he fails to notify the seller within a reasonable time of the election to rescind,
 18 or if he fails to return or to offer to return the goods to the seller in substantially
 19 as good condition as they were in at the time the property was transferred to
 20 the buyer. But if deterioration or injury of the goods is due to the breach of
 21 warranty, such deterioration or injury shall not prevent the buyer from return-
 22 ing or offering to return the goods to the seller and rescinding the sale.

23 (4) Where the buyer is entitled to rescind the sale and elects to do so, the
 24 buyer shall cease to be liable for the price upon returning or offering to return
 25 the goods. If the price or any part thereof has already been paid, the seller shall
 26 be liable to repay so much thereof as has been paid, concurrently with the return
 27 of the goods, or immediately after an offer to return the goods in exchange for
 28 repayment of the price.

29 (5) Where the buyer is entitled to rescind the sale and elects to do so, if
 30 the seller refuses to accept an offer of the buyer to return the goods, the buyer
 31 shall thereafter be deemed to hold the goods as bailee for the seller, but subject
 32 to a lien to secure the repayment of any portion of the price which has been
 33 paid, and with the remedies for the enforcement of such lien allowed to an unpaid
 34 seller by Section 53.

35 (6) The measure of damages for breach of warranty is the loss directly
 36 and naturally resulting, in the ordinary course of events, from the breach of
 37 warranty.

38 (7) In the case of breach of warranty of quality, such loss, in the absence
 39 of special circumstances showing proximate damage of a greater amount, is the
 40 difference between the value of the goods at the time of delivery to the buyer
 41 and the value they would have had if they had answered to the warranty.

Sec. 70. Nothing in this Act shall affect the right of the buyer or the seller
 2 to recover interest or special damages in any case where by law interest or spe-
 3 cial damages may be recoverable, or to recover money paid where the consid-
 4 eration for the payment of it has failed.

Sec. 71. Where any right, duty or liability would arise under a contract to
 2 sell or a sale by implication of law, it may be negatived or varied by express
 3 agreement or by the course of dealing between the parties, or by custom, if the
 4 custom be such as to bind both parties to the contract or the sale.

Sec. 72. Where any right, duty or liability is declared by this Act, it may,
 2 unless otherwise by this Act provided, be enforced by action.

Sec. 73. In any case not provided for in this Act, the rules of law and equity, including the law merchant, and in particular the rules relating to the law of principal and agent and to the effect of fraud, misrepresentation, duress or coercion, mistake, bankruptcy, or other invalidating cause, shall continue to apply to contracts to sell and to sales of goods.

Sec. 74. This Act shall be so interpreted and construed as to effectuate its general purpose to make uniform the laws of those states which enact it.

Sec. 75. The provisions of this Act relating to contracts to sell and to sales do not apply, unless so stated, to any transaction in the form of a contract to sell or a sale which is intended to operate by way of mortgage, pledge, charge, other security.

Sec. 76—(1) In this Act, unless the context or subject matter otherwise requires—

“Action,” includes counter-claim, set-off and suit in equity.

“Buyer” means a person who buys or agrees to buy goods or any legal successor in interest of such person.

“Defendant” includes a plaintiff against whom a right of set-off or counter-claim is asserted.

“Delivery” means voluntary transfer of possession from one person to another.

“Divisible contract to sell or sale” means a contract to sell or a sale in which by its terms the price for a portion or portions of the goods less than the whole is fixed or ascertainable by computation.

“Document of title to goods” includes any bill of lading, dock warrant, warehouse receipt or order for the delivery of goods, or any other document used in the ordinary course of business in the sale or transfer of goods, as proof of the possession or control of the goods, or authorizing or purporting to authorize the possessor of the document to transfer or receive, either by indorsement or by delivery, goods represented by such document.

19 “Fault” means wrongful act or default.

20 “Fungible goods” means goods of which any unit is from its nature or by
21 mercantile usage treated as the equivalent of any other unit.

22 “Future goods” means goods to be manufactured or acquired by the seller
23 after the making of the contract of sale.

24 “Goods” include all chattels personal other than things in action and
25 money. The term includes emblements, industrial growing crops, and things
26 attached to or forming part of the land which are agreed to be severed before
27 sale or under the contract of sale.

28 “Order” in sections of this Act relating to documents of title means an
29 order by indorsement on the document.

30 “Person” includes a corporation or partnership or two or more persons
31 having a joint or common interest.

32 “Plaintiff” includes defendant asserting a right of set-off or counter-claim.

33 “Property” means the general property in goods, and not merely a special
34 property.

35 “Purchaser” includes mortgagee and pledgee.

36 “Quality of Goods” includes their state or condition.

37 “Sale” includes a bargain and sale as well as a sale and delivery.

38 “Seller” means a person who sells or agrees to sell goods, or any legal suc-
39 cessor in the interest of such person.

40 “Specific goods” means goods identified and agreed upon at the time a
41 contract to sell or a sale is made.

42 “Value” is any consideration sufficient to support a simple contract. An
43 antecedent or pre-existing claim, whether for money or not, constitutes value
44 where goods or documents of titles are taken either in satisfaction thereof or
45 as security therefor.

46 (2) A thing is done “in good faith” within the meaning of this Act when
47 it is in fact done honestly, whether it be done negligently or not.

48 (3) A person is insolvent within the meaning of this Act who either has
49 ceased to pay his debts in the ordinary course of business or cannot pay his debts

50 as they become due, whether he has committed an act of bankruptcy or not,
51 and whether he is insolvent within the meaning of the federal bankruptcy law
52 or not.

53 (4) Goods are in a "deliverable state" within the meaning of this Act
54 when they are in such a state that the buyer would, under the contract, be
55 bound to take delivery of them.

Sec. 76a. None of the provisions of this Act shall apply to any sale, or to
2 any contract to sell, made prior to the taking effect of this Act.

Sec. 76b. Nothing in this Act or in any repealing clause thereof shall be
2 construed to repeal or limit any of the provisions of the Act to make uniform
3 the law of warehouse receipts, or of the Act to make uniform the law of bills of
4 lading.

Sec. 77.—All Acts or parts of Acts inconsistent with this Act are hereby
2 repealed except as provided in Section 76b.

Sec. 78. This Act may be cited as the Uniform Sales Act.

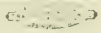


- 1 Introduced by Mr. Carter, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Education (when
appointed).

A BILL

For an Act to amend Section 122 of an Act to establish and maintain a system of
free schools, approved June 12, 1909, in force July 1, 1909.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the graduates of the eighth grade
3 of a district in which no public high school is maintained, shall be admitted,
4 upon the payment of tuition, to any public high school, with the consent of the
5 school board of the district in which such high school is situated. The tuition of
6 such pupils shall be paid by the district in which they reside, from any funds
7 not otherwise appropriated, but in no case shall the tuition per pupil exceed the
8 *per capita* cost of maintaining the high school selected. The parent, or guar-
9 dian, shall select the high school to be attended, subject to the approval of the
10 school directors of the home district: *Provided, however,* that the high school
11 selected offers a program of studies extending through four school years. The
12 application of this Act shall not relate to districts that provide work in the
13 ninth and tenth grades, except to pupils that have completed the work of such
14 grades.



- 1 Introduced by Mr. Chipperfield, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Appropriations.

WHEREAS, by Joint Resolution No. 30, of the Forty-sixth General Assembly,
2 it was resolved to appropriate to the widow of the late Justice Guy C. Scott,
3 the salary which would have accrued to the said Justice Guy C. Scott from
4 the date of his death until the time of the election and qualification of his suc-
5 cessor;

6 WHEREAS, the Auditor of Public Accounts is not authorized to draw a war-
7 rant on the State Treasurer in compliance with the aforesaid resolution for the
8 payment of the salary of the said Guy C. Scott from the date of the death of
9 the said Guy C. Scott until the qualification of his successor in office; now,

10 THEREFORE, the following is proposed:

A BILL

For an Act making an appropriation to Jessie Scott for the unpaid salary of Guy C.
Scott, late Justice of the Supreme Court of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That the sum of two thousand four hun
3 dred and forty-eight dollars and forty-one cents (\$2,448.41), the amount found
4 to be due under Joint Resolution No. 30, adopted by the Forty-sixth General
5 Assembly, be and the same is hereby appropriated to Jessie Scott, widow of
6 said late Justice Guy C. Scott, for the payment of the salary of said Guy C. Scott
7 from the 24th day of May, 1909, to the first day of October, 1909.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant on the State Treasurer in favor of Jessie Scott for the sum
3 hereby appropriated.



1 Introduced by Mr. Church, February 1, 1911.

2 Read by title, ordered printed and referred to Committee on License (when
appointed).

A BILL

For an Act to amend an Act entitled, "An Act to provide for the licensing of architects and regulating the practice of architecture as a profession," approved June 3rd, 1897, and in force July 1, 1897, as amended by an Act approved April 19th, 1899, in force July 1st, 1899 and as amended by an Act approved May 16th, 1905, in force July 1st, 1905.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly:* That Sections two (2) and four (4) of an Act entitled, "An Act to provide for the licensing of architects and regulating the practice of Architecture as a Profession," approved June 3, 1897, and in force July 1, 1897; as amended by an Act approved April 19, 1899, in force July 1, 1899; and as amended by an Act approved May 16, 1905, in force July 1, 1905, be and the same are hereby amended so as to read as follows:

"Sec. 2. The members of the State Board of Examiners of Architects shall, before entering upon the discharge of their duties, make and file with the Secretary of State the constitutional oath of office. They shall, as soon as or-

ganized, and annually thereafter in the month of January, elect from their number a president and secretary, who shall also be the treasurer. The treasurer, before entering upon his duties, shall file a bond with the Secretary of State for such sum as shall be required of him by said Secretary of State, and in such form and with such securities as may be approved by the Governor of the State. The Board shall adopt rules and regulations not inconsistent with this Act to govern its proceedings; and also a seal; and the secretary shall have the care and custody thereof; and he shall keep a record of all the proceedings of the Board, which shall be open at all times to public scrutiny, and the Board shall cause the prosecution of all persons violating any of the provisions of this Act, and shall receive a salary which shall be fixed by the Board. He shall receive his traveling and other expenses incurred in the performance of his official duties. The other members of the Board shall receive the sum of ten dollars (\$10.00) for each day actually engaged in this service, and all legitimate and necessary expenses incurred in attending the meetings of said Board. Said expenses shall be paid from the fees received by the Board under the provision of this Act, and no part of the salary or other expenses of the Board shall be paid out of the State treasury. All moneys received in excess of the said per diem allowance and other expenses provided for shall be held by the treasurer as a special fund for meeting the expenses of said Board, and the cost of a biennial report of the proceedings of the Board."

"Sec. 4. Provision shall be made by the Board hereby constituted for holding examinations *at least twice in each year*, of applicants for license to practice architecture, and any person over twenty-one years of age, upon payment of a fee of fifteen (\$15.00) dollars to the secretary of the Board, shall be entitled to an examination for determining his or her qualifications. All examinations shall be made directly by said Board, or a committee of two members delegated by the Board, and due notice of the time and place of the holding of such examinations shall be published, as in the case provided for the publication of the rules and regulations thereof. The examination shall have special reference to the construction of buildings, and a test of the knowledge of the candidate of the

42 strength of materials and of his or her ability to make practical application of
43 such knowledge in the ordinary professional work of an architect, and in the
44 duties of a supervisor of mechanical work on buildings, and should also seek to
45 determine his or her knowledge of the laws of sanitation as applied to build-
46 ings. If the result of the examination of any applicant shall be satisfactory to
47 a majority of the Board, under its rules, the Secretary shall, upon an order of
48 the Board, issue to the applicant a certificate to that effect, and upon payment
49 to the secretary of the Board by the candidate of a fee of twenty-five dollars
50 (\$25.00), he shall thereupon issue to the person therein named, a license to prac-
51 tice architecture in the State, in accordance with the provision of this Act,
52 which license shall contain the full name, birthplace and age of the applicant,
53 and be signed by the president and secretary, and sealed with the seal of the
54 Board. All papers received by the secretary in relation to applications for li-
55 cense shall be kept on file in his office, and a proper index and record thereof
56 shall be kept by him."

- 1 Introduced by Mr. English, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary (when
appointed).

A BILL

For an Act to amend Section 31 of an Act entitled, "An Act to revise the law in relation to landlord and tenant," approved May 1st, 1873, in force July 1st, 1873.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* That Section 31 of an Act entitled, "An
3 Act to revise the law in relation to landlord and tenant," approved May 1st,
4 1873, in force July 1st, 1873, be amended so as to read as follows:

5 Sec. 31. Every landlord shall have a lease upon the crops grown or grow-
6 ing upon the demised premises for the rent thereof, whether the same is pay-
7 able wholly or in part in money or specific articles of property or products of
8 the premises, or labor, and also for the faithful performance of the terms of the
9 lease. Such lien shall continue for the period of six months after the expiration
10 of the term for which the premises were demised: *Provided, such lien may be*
11 *enforced by distress warrant as provided by law in distress for rent.*



- 1 Introduced by Mr. Fahy, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Municipal Corporations (when appointed).

A BILL

For an Act to protect property of municipalities and of companies and corporations engaged in supplying water, light, gas or electricity to the inhabitants of this State, and providing a penalty for any violation of such Act.

SECTION 1. *Be it enacted by the Legislature of the State of Illinois:* That

2 every person who wilfully or fraudulently injures or aids or abets any person

3 to injure or suffers to be injured while on premises owned or occupied by him,

4 any meter, wire, line, pipe or appliance belonging to any municipality or to any

5 water, electric or gas company; or prevents any water, electric or gas meter be-

6 longing to any municipality, water, electric or gas company from duly register-

7 ing the quantity of water, electric current or gas supplied through the same; or

8 in any way hinders or interferes with the proper action or just registration of

9 any meter or attaches any line, wire or pipe to any line, wire or pipe, or suffers,

10 aids or abets any person to tap or open any wire or pipe; or uses or suffers to

11 remain on premises occupied, owned or controlled by him, any wire or pipe that

12 has been attached or opened in such manner that by the connections made or

13 which may be made therewith the water, electricity or gas is or can be used with-
14 out the same passing through the meter on the premises or in any way uses or
15 causes to be used any water, electric current or gas supplied by a municipality
16 or any water, electric or gas company without its consent unless the same
17 passes through a meter set by such municipality or water, electric or gas com-
18 pany, or fraudulently uses the water, electric current or gas supplied by a muni-
19 cipality, water, electric or gas company, or wastes the same, shall be guilty of
20 a misdemeanor.

Sec. 2. In all prosecutions under this Act, proof that the defendant had
2 control of or occupied the premises at the time when any act herein described
3 was committed, or proof that the defendant, being in control of such premises,
4 received the benefit of water, electric current or gas used or consumed in viola-
5 tion of the provisions of this Act, shall be presumptive evidence of knowledge
6 of such violation.

Sec. 3. Any person, corporation or company engaged in the manufacture
2 or sale of electricity, water or gas for lighting, power, or other purposes, who
3 shall knowingly misread any meter or knowingly overcharge any customer for
4 such light, water, power or gas furnished, shall be guilty of a misdemeanor.

Sec. 4. Every person on conviction of a misdemeanor under this Act shall
2 be punished by a fine not exceeding fifty dollars and the costs of prosecution, or
3 by imprisonment in the County jail of the County not exceeding two months;
4 or both.

Sec. 5. That all laws and parts of laws in conflict with this Act be and the
2 same are hereby repealed.



- 1 Introduced by Mr. Flagg, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on County and Town-
ship Organization (when appointed.)

A BILL

For an Act to amend Section fifty-one (51) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly: That Section fifty-one (51) of an Act entitled, "An Act to revise the law in relation to counties," approved and in force March 31, 1874, be and the same is hereby amended to read as follows:*

5 Sec. 51. *The Chairman of the Board of Supervisors, in Counties under*
6 *township organization, shall be elected by the voters of the county at the No*
7 *vember election of each even year, to serve two years and until his successor is*
8 *elected and qualified, and shall take office on the first Monday of December, after*
9 *his election. This office of County Chairman is hereby declared to be a county*
10 *office, and the laws governing nomination and election to this office shall be*
11 *the same as apply to the other county offices: Provided, that no person shall*
12 *be eligible to this office who shall not have been for five years preceding his*

13 election a voter and taxpayer in the county, or who is the incumbent of a town-
14 ship, municipal or other county office: And, provided, further, that the various
15 County Boards shall select their Chairmen as under the present (1909) statute,
16 to serve until the first Monday of December, 1912: And, provided, further, that
17 the County Chairman shall receive as salary the same per diem and mileage as
18 the Supervisors, shall preside at all meetings of the County Board and shall ap-
19 point all standing committees to serve one year each (whose term shall begin
20 with the April township election), and shall perform such other duties as the
21 County Board may require of him. The County Chairman shall be subject to the
22 same penalties as other County officers and shall furnish bond to the amount of
23 \$5,000 for the faithful performance of his duties. In case of his absence at any
24 meeting, the members present shall choose one of their number as temporary
25 chairman.



- 1 Introduced by Mr. Hagan, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary (when
appointed).

A BILL

For an Act to regulate the practice of optometry in the State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois,*
2 *represented in the General Assembly:* The practice of Optometry is defined to
3 be the employment of any means other than the use of drugs, medicine or sur-
4 gery for the measurement of the powers of vision and the adaptation of lenses
5 for the aid thereof.

Sec. 2. The provisions of this Act shall not be construed to apply to phy-
2 sicians duly licensed to practice medicine under the laws of this State, nor to
3 persons who sell spectacles or eyeglasses on prescriptions from any duly quali-
4 fied optometrist registered under this Act or from any licensed physician, nor
5 to dealers in spectacles or eyeglasses having an established place of business
6 who neither practice nor profess to practice optometry, nor to the exclusively
7 wholesale business of any dealer.

Sec. 3. The Governor, with the advice and consent of the Senate, shall appoint five persons from among such practicing optometrists in the State as have had not less than five years' practical experience in optometry, who shall constitute the Board of Optometry. The persons so appointed shall hold their offices for five years and until their successors shall have been appointed and qualified: *Provided*, that the terms of the members of the Board first appointed shall be so arranged that one shall expire on the thirty-first day of December of each year: *And, provided, further*, that if any person so appointed shall discontinue the active practice of optometry during the period of his appointment, his term shall thereupon cease. All vacancies thus or otherwise occurring shall be filled by the Governor, with the advice and consent of the Senate, and appointments made when the Senate is not in session may be confirmed at its next ensuing session.

Sec. 4. The Illinois State Society of Optometrists shall, as the result of an annual vote by its own members and of all other practicing optometrists in the State, report to the Governor the first year, recommending the names of at least ten persons deemed best qualified to serve on the Board of Optometry as determined by the ten receiving the highest number of votes, and annually thereafter the names of three persons to be similarly selected to fill any vacancies.

Sec. 5. The said Board shall, within thirty days, after its appointment meet and organize by electing a president and treasurer from among its members and a secretary, who shall not be a member of said Board, but who shall have the qualifications of a member. The Board shall prescribe the duties of its officers and shall require the secretary and treasurer to give proper and sufficient bonds. All certificates issued by the Board of Optometry shall be signed by the president and attested by the secretary and the seal of the Board. Every such certificate shall be *prima facie* evidence of the right of the holder to prac-

9 tice optometry. The president and secretary shall have the power to admin-
10 ister oaths and the Board to take testimony in all matters relating to its duties.

Sec. 6. It shall be the duty of the Board to examine all applications for
2 registration submitted in proper form; to grant certificates of registration to
3 such persons as may be entitled to the same under the provisions of this Act;
4 to cause the prosecution of all persons violating its provisions; to report an-
5 nually to the Governor and to the Illinois State Society of Optometrists upon
6 the condition of optometry in the State, which said report shall also furnish a
7 record of the proceedings of the Board for the year and an itemized statement
8 of all moneys received and disbursed with the names of all optometrists regis-
9 tered under this Act.

Sec. 7. The Board shall have the power to make by-laws for the proper
2 fulfillment of its duties under this Act and shall keep a book of registration in
3 which shall be entered the names and places of practice or business of all per-
4 sons registered under this Act, which book shall also specify such facts as said
5 persons shall claim to justify their registration. The president of the Board
6 may call a special meeting at any time. Three members shall constitute a
7 quorum and the records of the Board shall at all times be open to public in-
8 spection.

Sec. 8. The Board shall hold meetings for the examination of applicants
2 for registration and the transaction of such other business as shall pertain to
3 its duties at least once in three months. One of which meetings in every year
4 shall be held in the City of Chicago, and one in the City of Springfield;
5 it shall give thirty days' public notice of the time and place of all such meet-
6 ings.

Sec. 9. The secretary of the said Board shall receive a salary which shall
2 be fixed by the Board, but which shall not exceed the sum of Fifteen Hundred
3 Dollars per year; he shall also receive his traveling and other expenses in-

4 curred in the performance of his official duties. The members of the Board
5 shall receive the sum of Five Dollars for each day engaged in this service and
6 all legitimate and necessary expenses incurred in attending the meetings of the
7 Board; said expenses shall be paid from the fees and penalties received by the
8 Board under the provisions of this Act, and no part thereof shall be paid by
9 the State. All moneys payable under this Act shall be paid to the secretary,
10 who shall pay them to the treasurer, he giving his receipt thereof.

Sec. 10. Any person who shall, within three months after this Act takes ef-
2 fect, forward to the Board of Optometry an application for registration accom-
3 panied by satisfactory proof that he was continually engaged in the practice for
4 three years next preceding the date this Act takes effect, shall, upon the pay-
5 ment of a fee of Five Dollars, be granted a certificate of registration as regis-
6 tered optometrist without examination: *Provided*, that in case of failure or
7 neglect to register within the three months' time limit as herein provided, such
8 person shall be deemed to have waived his right to registration under this sec-
9 tion, and in order to be registered shall comply with the requirements for regis-
10 tration by examination.

Sec. 11. Any person of good moral character, temperate habits and not less
2 than twenty-one years of age, who shall present satisfactory evidence to the
3 Board of Optometry that he has studied not less than one year in the office of a
4 registered optometrist or that he has graduated from a school of optometry main-
5 taining a standard satisfactory to the Board, shall be entitled to an examination
6 before the said Board for a certificate of registration upon making application
7 in manner and form as shall be prescribed by the Board, accompanied by the
8 fee hereinafter specified. If the said examination shall be satisfactory to the
9 Board as to the qualifications of the applicant for the practice of optometry, he
10 shall be granted the certificate of registered optometrist by examination.

Sec. 12. Every such applicant for registration by examination shall pay to
2 the secretary of the Board at the time of filing his application a fee of Ten Dol-
3 lars, which fee, should he fail in his first examination, shall entitle him to a sec-
4 ond examination if taken within one year. Should the second examination be
5 satisfactory, he shall, before a certificate is granted, pay an additional fee of
6 \$5.00.

Sec. 13. The said Board may, in its discretion, upon payment of a fee of
2 Five Dollars, grant certificates of registration to the licentiates by examination
3 of such other Boards as shall prescribe similar recognition of its licentiates.

Sec. 14. Every person, to whom a certificate of registration is granted
2 under this Act, shall display the same in a conspicuous place in his principal
3 office, place of business or employment. Any person violating the provision of
4 this section shall be liable on conviction to a penalty of Fifty Dollars.

Sec. 15. The Board of Optometry may refuse to grant a certificate of regis-
2 tration to any person guilty of felony, gross immorality or mal-practice, or
3 who has an infectious disease, or is a victim to the use of alcoholic liquors or
4 narcotic drugs to such an extent as to render him unfit for the practice of op-
5 tometry; and the said Board may, after due notice and hearing, revoke or sus-
6 pend any certificate for like cause or any certificate procured by misrepresenta-
7 tion or fraud.

Sec. 16. Every registered optometrist who desires to continue the practice
2 of optometry shall annually, on such date as the Board of Optometry may
3 determine, pay to the secretary of the Board a renewal registration fee to be
4 fixed by the Board, but which shall in no case exceed two dollars per annum, for
5 which he shall receive a renewal of his certificate.

6 In case of neglect or failure to pay the renewal registration fee herein
7 specified for any certificate within the time prescribed by the said Board, the

8 Board may revoke such certificate and the holder thereof may be reinstated
 9 only by complying with the conditions specified in this Act for the registration
 10 of unregistered persons. But no certificate or permit shall be revoked without
 11 giving sixty days' notice to the delinquent, who, within such period, shall have
 12 the right of renewal of such certificate on payment of the renewal fee with such
 13 penalty, not exceeding Twenty-five Dollars, as said Board may determine: *Pro-*
 14 *vided*, that retirement from practice for a period not exceeding five years shall
 15 not deprive the holder of said certificate of the right to renew his certificate on
 16 the payment of all lapsed fees.

Sec. 17. Every renewal certificate issued by the Board of Optometry under
 2 this Act shall expire each year on the 31st day of December following the issu-
 3 ance of same.

Sec. 18. It shall be unlawful, three months after this Act takes effect, for
 2 any person to practice, or to profess or advertise to practice, optometry, or to
 3 test and examine eyes and recommend glasses therefor, unless he shall first
 4 have obtained a certificate from the Board of Optometry as hereinbefore pro-
 5 vided. Any person who shall violate any provision of this section shall be
 6 liable to a penalty of not less than Twenty-five Dollars nor more than One Hun-
 7 dred Dollars for every such offense.

Sec. 19. It shall be unlawful for any person, not a registered optometrist,
 2 to open or conduct a store, shop, office, or other place of business, where eyes
 3 are tested and spectacle or eyeglasses are recommended and sold, unless such
 4 person shall employ and place in active and personal charge thereof a registered
 5 optometrist.

6 It shall be unlawful for the proprietor of any store, shop, office, or place
 7 of business, as aforesaid, to allow any person in his employ to examine and test
 8 the eyes of another and to recommend glasses therefor unless such person shall
 9 be a registered optometrist.

10 Any person violating any provision of this section shall be liable to a fine
11 of not less than Twenty-five nor more than One Hundred Dollars for every such
12 offense.

Sec. 20. Every person registered under this Act shall cause his original
2 certificate or permit to be registered with the county clerk of each and every coun-
3 ty in which he shall practice, and the date of registration shall be endorsed
4 thereon. And whenever practicing said profession of optometry outside of, or
5 away from, his principal office or place of business, he shall deliver to each cus-
6 tomer or person he shall fit with glasses a bill of purchase bearing the date there-
7 of, which shall contain his signature, home post office address and the number of
8 his certificate of registration. The clerk of the county may charge a registra-
9 tion fee not exceeding twenty-five cents for every such certificate. For failure
10 or neglect by the holder to register any certificate as provided in this section,
11 the Board of Optometry may revoke the same, subject to reinstatement only on
12 payment to the said Board of a penalty of not less than Twenty-five Dollars
13 nor more than One Hundred Dollars.

Sec. 21. All suits for the recovery of the penalties prescribed in this Act
2 shall be prosecuted in the name of the "People of the State of Illinois," in any
3 court having jurisdiction and it shall be the duty of the State's Attorney of the
4 county where such offense is committed to prosecute all persons violating the
5 provisions of this Act upon proper complaint being made. All penalties col-
6 lected under the provisions of this Act shall inure to the Board of Optometry.



- 1 Introduced by Mr. Jones (by request), February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Claims (when
appointed).

A BILL

For an Act making an appropriation of the sum of \$5000 for the payment of the damages suffered by and as compensation for injuries to Earl D. Fouts of Centralia, Ill.

WHEREAS, Earl D. Fouts, while a student in the University of Illinois, at
2 Urbana, on the 13th day of December, A. D. 1909, received an injury caused by
3 the bursting of a defective revolving steel brush, which resulted in the loss of one
4 eye and a permanent injury to the other; and

5 WHEREAS, The said injury occurred without the fault or negligence of the
6 said Earl D. Fouts, and was caused wholly by a defective construction of said
7 revolving brush; therefore,

SECTION 1. *Be it enacted by the people of the State of Illinois,*
2 *represented in the General Assembly:* That there be and is hereby appropriated
3 for the relief of the said Earl D. Fouts, the sum of Five Thousand Dollars
4 (\$5000), payable out of any moneys in the Treasury not otherwise appropriated.

Sec. 2. The Auditor of Public Accounts is hereby authorized and directed
2 to draw his warrant upon the State Treasurer of the State of Illinois, in favor
3 of the said Earl D. Fouts for said above amount.



- 1 Introduced by Mr. Leavitt, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Warehouses (when appointed).

A BILL

For an Act providing for the inspection, licensing and regulation of cold storage warehouses; prohibiting the entry therein of articles of food in certain condition; providing a time limit for the storage of certain food stuffs therein and the condemnation of such food stuffs at the expiration thereof, and providing penalties for the violation of this Act.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* That it shall be unlawful for any person, firm or corporation to carry on, engage in or conduct a cold storage business or to keep, maintain or operate a cold storage warehouse where fish, eggs, butter, poultry, game, fruits or farm or garden produce are or may be stored within this State without first having obtained a license for such business or warehouse as hereinafter provided.

Sec. 2. Any person, firm or corporation desiring to carry on or conduct the business of storing fish, eggs, butter, poultry, game, fruits or farm or garden produce in cold storage or to keep and maintain any cold storage warehouse where

4 such food stuffs may be stored or kept, shall first make application in writing
5 to the State Food Commissioner for a license to do such business or to keep and
6 maintain such warehouse, in which application shall be stated the name of the
7 person, firm or corporation making the application, in what city, village or town
8 the proposed business is to be carried on, a description of the warehouse and of
9 the lot, block or tract of land upon which the warehouse is situated and the kind
10 of food stuffs proposed to be stored. The applicant shall at the same time ten-
11 der to the State Food Commissioner a fee of Fifty (\$50) Dollars for an annual
12 license to do such business and shall also tender to him a bond, with at least two
13 sureties, in the penal sum of Five Thousand (\$5000) Dollars running to the Peo-
14 ple of the State of Illinois, conditioned that he will obey all the provisions of
15 this Act having reference to such cold storage warehouse or the storing of such
16 food stuffs in cold storage, which license shall be renewed annually upon the
17 tender of the fee and bond as in the first instance.

Sec. 3. It shall be the duty of the State Food Commissioner on receipt of
2 the application, fee and bond, as provided in Section 2 of this Act, to cause im-
3 mediate inspection of the proposed Warehouse and premises, and if he shall find
4 the same in sanitary condition and a fit place for the storage of such food stuffs
5 and he shall approve the bond as aforesaid, he shall issue to the applicant an an-
6 nual license to conduct and maintain such warehouse for the term of one year,
7 commencing July 1st and ending June 30th of the subsequent year, but if he
8 shall find said premises in an unsanitary condition and unfit for the storage
9 of such food stuffs, he shall refuse the license, return the bond to the applicant,
10 and so much of the fifty dollars as shall remain after payment of reasonable
11 cost of inspection, and thereafter no cold storage business shall be conducted on
12 said premises until the same are put in sanitary and fit conditon. The license
13 shall be renewed annually on the first day of July of each year upon the pay-
14 ment of the fee and filing of the bond as in the first instance.

15 The State Food Commissioner shall file and safely keep the bonds, when
16 approved, for the use of officials and authorities prosecuting under this Act.

Sec. 4. Whenever any fish, eggs, butter, poultry, game, fruits, farm or garden produce is placed or stored in any cold storage warehouse each package, box, bale, barrel, tub, bucket, or other receptacle in which such food stuffs are contained or packed shall immediately be stamped with a stamp, in letters and figures of not less than one inch in height, showing the true date of entry into the cold storage warehouse and the name of the person, firm or corporation conducting or operating such warehouse, and when any such package, box, barrel, bale, tub, bucket or other receptacle is withdrawn or taken out of any cold storage warehouse it shall be stamped with a stamp of like dimensions showing the true date of withdrawal. Such stamps shall not be removed, altered, defaced or destroyed, nor shall such articles be removed or transferred in whole or in part from a package so stamped to another while said articles of food remain in cold storage. No article of food so stored shall be removed to another cold storage warehouse without the written consent of the State Food Commissioner, and in such case the original package or receptacle shall be stamped with like entry and withdrawal stamps without removing or defacing the original stamps: *Provided*, that any such food stuffs as may have been stored in any licensed cold storage warehouse for not to exceed one hundred and twenty days prior to July 1, 1911, may be stamped as of the true date when entered.

Sec. 5. It shall be unlawful for any person, firm or corporation to offer or expose for sale or have in his or its possession with the intention of selling any fish, eggs, butter, poultry, game, fruits, farm or garden produce which may have been placed in cold storage or removed from or taken out of any cold storage warehouse, whether said warehouse be situated within or without this State, unless such package, box, bale, barrel, tub, bucket or other receptacle in which the aforementioned articles of food stuffs are contained or packed, shall be plainly stamped with the stamp of such warehouse where the articles may have been stored or kept, showing the true date of entry into and withdrawal from such

10 warehouse, or any such package unstamped or where the stamps may have been
11 defaced, altered, removed, destroyed or not plainly legible.

Sec. 6. It shall be unlawful to place in any cold storage warehouse any
2 poultry, fowl, animal or game of any kind in an undrawn condition or with the
3 entrails left therein and both the owner of such food stuffs and the warehouse
4 keeper shall be held liable for any violation of this section.

Sec. 7. No fish, eggs, butter, poultry, game, fruits or farm or garden pro
2 duce shall remain or be stored in any cold storage warehouse or warehouses
3 for more than One Hundred and Twenty (120) Days, and it shall be the duty of
4 the State Food Commissioner, or any agent or inspector in his employ, to brand
5 or stamp any package, box, bale, barrel, tub, bucket or other receptacle in which
6 such food stuffs may be contained or packed, that may have been in cold storage
7 for any greater length of time, wherever found, with a brand or stamp, in letters
8 not less than one inch in height, containing the words, "CONDEMNED BY
9 THE STATE FOOD COMMISSION OF ILLINOIS," and such food stuffs so
10 condemned and so branded or stamped shall not be sold or offered or exposed
11 for sale in this State. Such brand or stamp shall not be erased, removed, ob-
12 literated or destroyed nor the contents of such package, box, bale, barrel, tub,
13 bucket or other receptacle be removed therefrom. Both the owner of the food
14 stuffs and the warehouse keeper shall be liable for any violation of this section.
15 The State Food Commissioner, his agents or inspectors, shall keep a record of
16 such food stuffs condemned, showing the date on which said food stuffs were
17 condemned, name and address of the owner, name of the cold storage warehouse
18 keeper, a description of the package or container in which such goods are packed
19 or contained, the contents or kind of food contained therein, the number of pack-
20 ages condemned, the length of time held in cold storage, if known, and such
21 other facts as may be necessary or obtainable to a complete statement of the
22 case, which record shall be attested under oath of the commissioner, his agent

23 or inspector condemning such food stuffs and shall be received as evidence by
 24 the court. *Provided*, that no claim shall lie against or be allowed by the State
 25 for any food stuffs so condemned.

Sec. 8. Every keeper of a cold storage warehouse, store or place of busi-
 2 ness where such food stuffs may be kept or offered or exposed for sale, his or
 3 their agent or employees shall allow the State Food Commissioner, his agents or
 4 inspectors, free access to the building or place where such food stuffs may be
 5 stored or kept, and shall true answers make to any and all reasonable questions
 6 by said commissioner, his agents or inspectors relative to such articles of food,
 7 and any record, book, voucher, or memoranda in writing relating to such food
 8 stuffs in the possession of any person, firm or corporation shall be open to the
 9 inspection of the State Food Commissioner, his agents or inspectors and shall
 10 be produced in court to be used as evidence when required.

Sec. 9. It is hereby made the duty of the States Attorney of the county
 2 wheren violations of this Act shall occur to prosecute the person, firm or cor-
 3 poration so offending and a conviction fee of Twenty (\$20) Dollars shall be al-
 4 lowed the State's Attorney for each conviction hereunder to be taxed and col-
 5 lected as costs, or in case of his refusal or neglect to prosecute the State Food
 6 Commissioner may employ any attorney of record to prosecute in his stead for
 7 which a like fee shall be allowed.

Sec. 10. All suits for fines or forfeitures under this Act shall be in the name
 2 of the People of the State of Illinois, and all fines or forfeitures received or col-
 3 lected hereunder shall be payable to the State Food Commissioner, and said Com-
 4 missioner shall pay all license fees, fines and forfeitures coming in to his hands
 5 by virtue of this Act into the State Treasury, to be there held subject to such
 6 disposition as is now or may hereafter be provided by law for moneys coming
 7 into his hands from fees, fines and forfeitures and required to be paid into the
 8 treasury.

Sec. 11. This Act shall not be held to repeal or affect any law or laws now
 2 in force in this State in relation to unclean, unwholesome and adulterated foods
 3 and products except that no fowl, poultry, game or animal of any kind shall be
 4 placed or received in cold storage in an undrawn condition and except that no
 5 article of food shall be kept or remain in cold storage more than one hundred
 6 and twenty days.

Sec. 12. Any person, firm or corporation violating any of the provisions
 2 of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof
 3 shall be fined not less than One Hundred (\$100) Dollars nor more than One
 4 Thousand (\$1000) Dollars and cost of suit and shall stand committed until such
 5 fine and costs are fully paid. Such fine and costs to be recovered in any court
 6 of competent jurisdiction within the county wherein the offense occurred: *Pro-*
 7 *vided*, that each package, barrel, box, bale, tub, bucket or other receptacle, han-
 8 dled, kept, sold or exposed for sale, unstamped, misstamped or on which the re-
 9 quired stamps are erased or illegible in violation of this Act shall be held to be a
 10 separate and distinct offense.

11 The bond required by Section 2 of this Act may be forfeited, in any court
 12 of competent jurisdiction within the county where the warehouse may be situ-
 13 ated, for failure to comply with any of the provisions of this Act relating to
 14 cold storage warehouses or conduct of the business of cold storage.

15 The fact that any person, firm or corporation may be liable for any viola-
 16 tion of this Act upon his or their bond as a cold storage warehouse keeper
 17 shall be no bar to the recovery of the fine above mentioned and the prosecution
 18 for and recovery of a fine for the violation of this Act shall be no bar to the for-
 19 feiture and recovery upon the bond of any such warehouse keeper.



- 1 Introduced by Mr. Lyon, February 1, 1911.
- 2 Read by title, ordered printed and referred to Committee on Judiciary (when appointed).

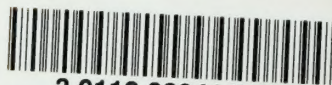
A BILL

For an Act to amend Section 2 of an Act entitled, "An Act to regulate the treatment and control of dependent, neglected and delinquent children," approved April 21, 1899, in force July 1, 1899, as amended to read, "An Act relating to children who are now or may hereafter become dependent, neglected or delinquent; to define these terms and to provide for the treatment, control, maintenance, adoption and guardianship of such children," as amended by Act approved June 4, 1907, in force July 1, 1907.

SECTION 1. *Be it enacted by the people of the State of Illinois,*
2 *represented in the General Assembly:* That Section 2 of an Act entitled, "An
3 Act relating to children who are now or may hereafter become dependent, neg-
4 lected or delinquent; to define these terms and to provide for the treatment, con-
5 trol, maintenance, adoption and guardianship of such children, as amended by
6 Act approved June 4, 1907, in force July 1, 1907, be and the same is hereby
7 amended to read as follows:

8 Sec. 2. The Circuit, Probate and County Courts of the several counties in^w
9 this State shall have original jurisdiction in all cases coming within the terms s
10 of this Act. In all trials under this Act any person interested therein may de-
11 mand a jury of six, or the judge of his own motion may order a jury of the same
12 number to try the case.

UNIVERSITY OF ILLINOIS-URBANA
Q. 328.773 B1H C001 v.47:124(1911)
House bills [introduced in the] General



3 0112 089411927